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OF THE

House of Representatives

OF THE

COMMONWEALTH OF KENTUCKY

Regular Session of 1954

VOL. II

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Begun on the Fifth Day of January, 1954, and Adjourned Sine Die on the Nineteenth Day of March, 1954

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REGULAR SESSION, 1954

WEDNESDAY, FEBRUARY 10, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend J. A. O'Dwyer, Pastor of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Harry M. Caudill	Cabell D. Francis
Walter J. Bailey	Cassius M. Clay	W. L. Hadden
John Rhea Banton	Paul Cobb	C. Ruby Harralson
Clarence J. Barnum	William J. Conley	George F. Harris
Wallace Bartley	Vernor O. Cottengim	Harold G. Helm
Charles E. Baumgardner, Sr.	Charles W. Craig	David Heskamp
Leo A. Bleemel	W. Marvin Davis	Henry R. Heyburn
J. Murray Blue	John L. Day	Lon C. Hill
J. C. Bradley	C. E. Dowell	Estill R. Hilton
Edward T. Breathitt, Jr.	James A. Dressman, Jr.	Chester J. Holsclaw
Edward O. Bridgers	O. O. Duncan	Varna Holt
John Young Brown	Harold Edmonds	William M. Horn
Charles W. Buchanan	Addison L. Everett	William L. Jones
	Herbert Fern	Jennings H. Kearby
	Thomas P. Fitzpatrick	Talmage Lacy
		James W. Lambert
		George H. Lovelace

Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker
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Mr. Lowman moved that the reading of the Journal of the proceedings of Tuesday, Febrary 9, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Maglinger moved that the article appearing in the Lexington Herald of February 10, 1954, under the heading "EVERYBODY GETS INTO THE ACT AT GOLDENROD VS. REDBUD PARLEY" be spread upon the Journal.

Said motion was agreed to.

Said article is as follows, viz:

FRANKFORT, KY., Feb. 9—"Now," said Chairman William Maglinger, "we have before this committee a serious and important question—whether our state flower should be changed from the goldenrod to the redbud."

He banged the House speaker's big gavel on the press table in front of him, and a meeting of the Executive and Legislative Affairs Committee was called to order. Before him, in the House

press section, sat half a dozen representatives fresh from the session just ended.

"This," declared Rep. Addison Everett of Maysville, "is the first time in history a bill has been referred to this committee.

That bit of wisdom won him immediate and unanimous approval as committee secretary, and someone asked whether a quorum was present.

"I move that the quorum be waived and that it appear in the Journal that it was present," said Rep. John Y. Brown, Lexington. All present approved.

"There is some argument," someone noted, "as to whether the redbud is a flower or a tree."

"Maybe, if its a tree, we can make it a state tree," somebody else offered. "What is the state tree?"

Without hesitation, everybody yielded to Everett.

"The boisenberry," he opined. Two other trees were suggested, but it eventually was learned that the state does not, in fact, have an official tree.

"The redbud is not a tree anyway," said Mrs. Randolph D. Wilson, representative from Glasgow. "Nor," she said, "is it a flower. It is a herbaceous perennial."

"Wait a minute," protested Secretary Everett, "please don't use those foreign languages."

Anyway, said Mrs. Wilson, only the bloom would be considered as the state flower—not the stalk or branches.

"I'm going to give you the pros and cons of the argument," Mrs. Wilson said.

"You have one hour," ruled Maglinger.

She took her seven-minute stand for the redbud, on grounds that it was far more attractive than goldenrod.

When she was finished, Brown arose and, solemnly citing Paul's appeal before King Agrippa, stated, "Almost does she persuade me to be a redbud."

Rep. Foster Ockerman, Lexington, strolled into the general area and was recognized quickly. Offhand, he said, he was for the goldenrod because one of his constituents had asked him to be.

Then Rep. Ralph McClanahan of Irvine was recognized and described as an authority on flowers. "Four Roses," someone piped up.

That he denied, but when he ended what later was referred to as a "travelogue," about the beauties of the Kentucky River, it was found that he wasn't interested in either flower under consideration—he wanted to nominate the dogwood.

He was overruled.

Maglinger recognized Rep. Robert Montgomery of Woodford county.

"I was just walking by," Montgomery explained. "I didn't mean to speak on anything." But he said he had once heard some out-of-state visitors asking what the beautiful spring flower on Kentucky's hillsides was.

"I don't think we should be swayed by the opinions of out-of-staters," Brown declared. "We have the finest whisky, the best horses, and the most beautiful women in the world, all flourishing under the goldenrod," he added, noting that he, too, had been asked by one constituent to uphold the present state flower. Nobody on the other side had approached him, he said.

Whereupon this reporter, being both a Brown constituent and a redbud fancier, laid aside press immunity and tied the score.

Rep. Robert Reid of Owensboro, when he had a chance to speak, noted that some hay fever sufferers claim they are victims of goldenrod. But despite what some of the earlier speakers had said, it never had given him hay fever, so far as he knew.

Neither had he gotten hay fever from goldenrod, Brown said.

Here, noted somebody, was a clash of opinion, demanding a ruling by the chairman. Maglinger said he was in doubt. Brown

said that so far as he was concerned there was no clash of opinion—"Nothing gives me hay fever," he said.

In the back of the chamber a young boy, son of one of the legislators, was giving a rendition of "On Top of Old Smoky."

The men who had been cleaning up the big room now were seated in the House clerk's area at the front, listening in.

"Would you repeat that part about 'obnacious herbicide' again, Mrs. Wilson?" Everett asked.

Maglinger recognized Rep. Walter Moorman of Hardinsburg.

"I've long been a lover of both the redbud and goldenrod," said Moorman, "but since someone mentioned Four Roses I haven't been able to get my mind on either one."

Maglinger turned to Rep. Ned Breathitt of Hopkinsville.

"I have no statement to make."

"Your point is well taken," retorted Maglinger.

Disregarded somewhere had been the sincere speech of Rep. Shelby McCallum, of Benton, co-sponsor of the redbud bill. By this time, he was willing to go along with the crowd. Unmentioned, he said, had been the color red, a color now often in dispute but still a desirable one as compared to the yellow of the goldenrod.

"For instance," he said, "I'd rather be called red than yellow."

"Let's don't get the race question in this," said Maglinger, who then asked if anybody at all would like to say anything else.

Ending his long survey of the area, he looked at the clerk's chair, where Capitol Electrician Sam Penn had risen.

"Recognize the electrician of the Capitol," he said.

Penn merely asked, "If the redbud is adopted, would all the state seals have to be changed?"

There was immediate consternation. Nobdy knew. Someone suggested the Legislative Research Commission be called in. Another asked that a small subcommittee be appointed to study the problem.

The latter request was approved and Maglinger named about 15 of those present, Gov. Lawrence Wetherby, Conservation Commissioner Henry Ward and Judge Charles I. Dawson to the small group, quitting only when Secretary Everett complained of writer's cramp.

By spontaneous agreement the meeting adjourned. It couldn't have done otherwise. Because only three of 13 committee members were present—Maglinger, Everett and H. M. Tipton Reed.

Mr. Day moved that H. B. No. 165 be recommitted to the Agriculture Committee for the purpose of having a public hearing.

Said motion was disagreed to by voice vote.

Mr. Edmonds moved that the rules be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Edmonds moved that former Senator E. D. Stephenson from Pike County be given the privilege of the floor.

Said motion was agreed to.

Mr. Conley moved that Sharon Lee Twyman be made honorary page.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Maglinger.

H. B. No. 278. AN ACT relating to shipment of malt beverages into Kentucky for resale by non-resident brewers and amending KRS 243.150.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license, and to transport for himself only any malt beverage which he is authorized by his license to manufacture or sell, but he shall transport such malt beverages in accordance with the requirements provided by KRS 243.120 for distillers. A brewer licensed by the Commonwealth of Kentucky may sell any malt beverage produced under his license, at wholesale or retail, from the licensed premises only, and without any additional license.

(2) A non-resident brewer, one who manufacturers malt beverages without this state and who ships malt beverages into this state for the purpose of resale, may sell such malt beverages in this state at wholesale only to a malt beverage distributor duly licensed in this state. Such a non-resident brewer shall not be issued a malt beverage distributor's license under the provisions of KRS 243.040 and shall not conduct business in this state as authorized under the provisions of KRS 243.180.

By Mr. Wathen.

H. B. No. 279. AN ACT relating to unemployment insurance and amending sections 341.295, 341.350, 341.440, and 341.450 of Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Section 341.295 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.295 *Unemployment Compensation Contingent Fund.*

All fines, penalties and interest on delinquent contributions collected under KRS 341.300 shall be credited to the Unemployment Compensation Administration Fund to be used for the administration of this chapter. The State Treasurer shall

maintain a separate record of all money received for the Unemployment Compensation Administration Fund under this section. This money shall not be expended or available for expenditure in any manner that would permit its substitution for, or a corresponding reduction in, Federal funds that would be available in its absence to finance expenditures for the administration of this chapter. But nothing in this chapter shall prevent this money from being used as a revolving fund to cover necessary and proper expenditures for which Federal funds have been requested but not received, subject to the charging of such expenditures against such funds when received, or to supplement Federal funds which are, in the opinion of the Commissioner, insufficient to properly administer this chapter. The Commissioner may also authorize to be charged against such money any expenditures he deems proper and desirable for the administration of this chapter and replace any money necessary under the provisions of KRS 341.610, if no other funds are available or can properly be used to finance such expenditures. The money heretofore collected and credited to the Unemployment Compensation Contingent Fund shall be transferred to the Unemployment Compensation Administration Fund and shall be available for expenditure under the provisions of this section.

Section 2

Section 341.350 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.350 *Conditions of qualification for benefits.*

An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

(1) He has made a claim for benefits;

(2) He has registered for work with respect to such week in accordance with regulations prescribed by the Commission;

(3) He is physically and mentally able to work;

(4) He is available for suitable work;

(5) His base period wages are not less than three hundred dollars, some part of which was earned in the 3rd or 4th quarter of his base period and if his total base period wages are less than seven hundred dollars, wages equal to at least 10 times the rate listed in Column (C) of Table A in KRS 341.380 in each of the 1st and 3rd or the 2nd and 4th quarters of his base period; and

(6) He has served a waiting period of one week of unemployment within his benefit year. No week of unemployment shall be counted as a waiting period unless the worker has satisfied the conditions of subsections (1), (2), (3), (4) and (5) of this section.

Section 3

Section 341.440 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.440 *Procedure on Review by Referee and Commission; Witness Fees.*

(1) The manner in which appeals are presented and hearings and appeals conducted shall be in accordance with regulations prescribed by the Commission for determining the rights of the parties, such hearings to be conducted in a summary manner. A complete record shall be kept of all proceedings in connection with any appeal. All testimony at any hearing upon an appeal shall be recorded either stenographically or mechanically, but need not be transcribed unless further appealed. No examiner, referee or member of the Commission shall participate in any hearing in which he is an interested party.

(2) Witnesses subpoenaed pursuant to proceedings under KRS 341.420 and 341.430 shall be allowed fees in accordance with rates allowed by law. Such fees and all expenses of proceedings before the Division or Commission involving disputed claims shall be deemed a part of the expense of administering this chapter.

(3) In the absence of an appeal therefrom, decisions of the Commission shall become final twenty days after the date they are made.

Section 4

Section 341.450 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.450 *Judicial Review.*

(1) Except as provided in KRS 341.460, within twenty days after the date of the decision of the Commission, any party aggrieved thereby may, after exhausting his remedies before the Commission, secure judicial review thereof by filing a complaint against the Commission in the circuit court of the county in which the claimant was last employed by a subject employer whose reserve account is affected by such claims. Any other party to the proceeding before the Commission shall be made a defendant in such action. The complaint shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the plaintiff or his attorney. The plaintiff shall furnish copies thereof for each defendant to the Commission, which shall deliver one copy to each defendant.

(2) Summons shall issue upon the complaint directing the Commission to file answer within twenty days after service thereof. Such summons shall be served upon a member of the Commission, or upon such person as the Commission designates, and such service shall be deemed complete service upon all members of the Commission. The Commission may be represented by any qualified attorney designated by the Commission for that purpose or, at the request of the Commission, by the Attorney-General. With its answer, the Commission shall certify and file as an exhibit with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decision therein. If consented to by the plaintiff and the adverse party, an abstract of any portion of the record may be certified by the Commission in lieu of certifying such portion of the record in full. The Commission may certify to the court questions of law involved in any decision by it.

(3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record

certified by the Commission. The court on its own motion or on the motion of an interested party shall assign a date certain for the review, irrespective of the regular term of court. The clerk of the court shall notify the attorneys of record, the date assigned for review at least ten days in advance thereof. The court shall enter judgment, affirming, modifying, or setting aside the order and the decision appealed from, or determining the question of law certified to it by the Commission, and may in advance of judgment, remand the case to the Commission for further proceedings in accordance with the direction of the court.

Section 5

Every surety contract or bond which guarantees and binds the performance of any public contract, whether state or a subdivision of the state, to be performed in Kentucky by a subject employer shall contain a provision guaranteeing that all unemployment insurance contributions will be paid by the principal or surety.

Section 6

Any subject employer who is the general or prime contractor of any contract to be performed in Kentucky shall be secondarily liable for the payment of contributions and responsible for the filing of any reports required by law of any employing unit to which he has subcontracted in part or whole the performance of the contract.

Section 7

Any state agency, board, division, or department of the Commonwealth, after affording the interested parties a proper hearing, shall revoke the license, franchise, permit, or certificate of convenience issued by it to any employing unit upon complaint and the submission of sufficient evidence by the Commissioner that such employing unit has refused or failed to file any report required or pay any contributions due under KRS Chapter 341.

Such hearings shall be conducted according to the procedures established by the granting authority, and, in the ab-

sence of established procedures, the head of the agency, board, division, or department shall conduct the hearing in a summary manner. Either party to the hearing shall have the right to appeal from the granting authority's order to the Franklin Circuit Court for review.

Prior to the filing of the complaint, the Commissioner shall notify the employing unit by registered mail at its last known address of his intention to file such complaint after 10 days from the mailing date of said notice.

Section 8

(1) Any employing unit refusing to make reports required under this chapter within ten days after written notice sent by the Commissioner to the employing unit's last known address by registered mail, notifying him that this section of the act will be invoked unless the reports are filed, may be restrained or enjoined from operating a business in Kentucky, upon complaint of the Commissioner filed in the Franklin Circuit Court or any other court of competent jurisdiction, until such reports shall have been made.

(2) When the Division holds a judgment against an employer still actively engaging in business in Kentucky and liable for contributions under this chapter, and an execution on the judgment has been returned unsatisfied, then if the employer, within ten days after written notice sent by the Commissioner to the employer's last known address by registered mail notifying him that this section of the act will be invoked unless such judgment is satisfied, refuses to pay contributions covered by the judgment on which the execution was issued, such employer may be restrained or enjoined from operating a business in Kentucky, upon complaint of the Commissioner filed in the Franklin Circuit Court or in any other court of competent jurisdiction, until such contributions have been paid.

(3) Proceedings under this section shall be in accordance with the Kentucky Rules of Civil Procedure, except that no bond shall be required of the Commonwealth.

Section 9

Any employing unit which is not a resident of this state and

which exercises the privilege of having one or more individuals perform service for it within this state, and any resident employing unit which exercises that privilege and thereafter removes from this state, shall be deemed thereby to appoint the Secretary of State as its agent and attorney for the acceptance of process in any civil action, as provided in KRS 341.300 and 341.310. In instituting such an action against any such employing unit the Commissioner shall cause such process or notice to be filed with the Secretary of State and such service shall be sufficient service upon such employing unit, and shall be of the same force and validity as if served upon it personally within this state:

PROVIDED, that, the Commissioner shall forthwith send notice of the service of such process or notice, together with a copy thereof, by registered mail, return receipt requested, to such employing unit at its last known address and such return receipt, the Commissioner's affidavit of compliance with the provisions of this section, and a copy of the notice of service shall be appended to the original of the process filed in the court in which such action is pending.

Section 10

(1) As used in this section, the term "seasonal industry" means an occupation or industry in which, because of the seasonal nature thereof, it is customary to operate only during a regularly recurring period or periods of less than forty weeks. The Commission may, after investigation and hearing, determine, and may thereafter from time to time, redetermine the longest seasonal period or periods during which by the best practice of the occupation or industry in question, operations are conducted. Until such determination by the Commission, no occupation or industry shall be deemed seasonal.

(2) As used in this section, the term "seasonal worker" means a worker who is ordinarily engaged in a seasonal industry and who, during the portion or portions of the year when such industry is not operating, is ordinarily not engaged in any other covered employment.

(3) The Commission shall prescribe fair and reasonable

general rules applicable to seasonal workers for determining the period for earning and the amount of the total wages required to qualify such workers for benefits, the amounts of such benefits, and the period for which such benefits shall be payable to them. The Commission may prescribe fair and reasonable rules with respect to such other matters relating to benefits for seasonal workers as the Commission finds necessary and consistent with the policy and purposes of this chapter.

By Mr. Maglinger.

H. B. No. 280. AN ACT relating to transportation of malt beverages by distributors and amending KRS 243.180.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) A distributor's license shall authorize the licensee to purchase, import or store malt beverages and to sell them only, from the licensed premises, to other distributors, to retailers or to consumers for personal use and not for resale. A distributor shall transport malt beverages only by a vehicle owned, rented or leased and operated by himself, which has affixed to its sides at all times a sign of form and size prescribed by the State Board, containing among other things the name and license number of the licensee. No distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier.

(2) A distributor's license must be obtained for each separate warehouse, agent, distributor, broker, jobber or place of business from which orders are received or beverages are distributed unless it is a licensed brewery.

By Mr. McCallum.

H. B. No. 281. AN ACT relating to the compensation of sheriffs in counties containing less than seventy-five thousand persons, amending Sections 134.290 and 134.310 of the Kentucky Revised Statutes and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 134.290 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The sheriff shall be allowed by the Department of Revenue, for collecting state taxes, a commission of ten percent upon the first five thousand dollars and four percent upon the residue collected or accounted for and paid into the State Treasury in each year.

(2) He shall be allowed by the county treasurer, for collecting the county revenue, ten percent upon the first five thousand dollars collected, and four percent upon the residue.

(3) In counties containing a population of less than seventy-five thousand, the aggregate annual compensation of the sheriff for official services shall not exceed seven thousand two hundred dollars, independent of the compensation of legally authorized deputies and assistants and reasonable expenses as limited by the fiscal court.

Section 2. Section 134.310 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The sheriff shall annually settle his accounts for county and district taxes with the fiscal court, before making settlement with the Department of Revenue. At the regular October term each year the fiscal court shall appoint some competent person other than the Commonwealth's or county attorney to settle the accounts of the sheriff for money due the county or district.

The report of this settlement shall be filed in the county clerk's office and approved by the county court. The settlement shall show the amount of poll tax and ad valorem tax collected, and an itemized statement of the money disbursed.

(2) The settlement shall be published for at least two weeks in a paper published and having general circulation in the county or, if there is no such paper, it shall be published by handbills posted at the front door of the courthouse and at least three other public places in the county. The report of

the settlement shall be subject to exceptions by the sheriff or by the county attorney, who shall represent the state and county, and the county court shall try and determine the exceptions.

(3) An appeal may be prosecuted by either party from the judgment of the county court on the settlement, in the same manner as provided by law for appeals from judgments of the quarterly court, except that the county attorney shall not be required to give an appeal bond; or actions may be instituted in any court of competent jurisdiction to correct the settlement. The settlement, when approved, shall be recorded in the county clerk's office.

(4) On the final settlement the sheriff shall pay to the county treasurer all money that remains in his hands, and take receipts as provided in KRS 134.300.

(5) In counties containing a population of less than seventy-five thousand, the sheriff shall file annually with his final settlement:

(a) A complete statement of all funds received by his office for official services, showing separately the total income received by his office for services rendered, exclusive of his commissions for collecting taxes, and the total funds received as commissions for collecting state, county and school taxes; and

(b) A complete statement of all expenditures of his office, including his salary, compensation of deputies and assistants, and reasonable expenses.

(6) There shall be deducted from the total of such expenses the total funds received by the sheriff's office, exclusive of commissions for collecting taxes. From the balance, if any, of such expenses, shall be deducted the commissions allowed for collecting state and county taxes as prescribed by subsections (1) and (2) of Section 1 of this Act. The balance, if any, of the expenses shall be paid to the sheriff from the commissions allowed to him for the collection of school taxes, but in no event shall the amount of such commissions exceed four percent of the total amount of school taxes collected by him. The amount paid the sheriff for collecting school taxes shall be prorated among the school districts in the county in

the proportion that the amount of school taxes collected from each district bears to the total school taxes collected.

WHEREAS, conflict and confusion now exists in many counties of the Commonwealth as to the manner of determining reasonable compensation of the sheriff for collecting school taxes; and

WHEREAS, it is necessary to have a fair, reasonable and certain method for determining the compensation which the sheriff shall receive for collecting school taxes,

NOW, THEREFORE, an emergency is hereby declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

By Mr. Breathitt and Mr. Clay.

H. B. No. 282. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to compensation of prosecuting attorneys, amending Section 98 thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Constitution of the Commonwealth of Kentucky be amended relating to compensation of prosecuting attorneys, so that Section 98 thereof shall read as follows:

"Section 98. All prosecuting attorneys, Commonwealth, County or City, shall be compensated for their services in criminal proceedings by salary to be fixed in such manner as may be provided by law."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

By Mr. Breathitt.

H. B. No. 283. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to eligibility for the offices of Governor and Lieutenant Governor, amending Sections 71 and 82 thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Constitution of the Commonwealth of Kentucky be amended relating to eligibility for the offices of Governor and Lieutenant Governor, so that the following sections thereof shall read as follows:

"Section 71. The Governor shall be ineligible for the next succeeding four years after the expiration of any two consecutive terms for which he shall have been elected."

"Section 82. A Lieutenant Governor shall be chosen at every regular election for Governor, in the same manner, to continue in office for the same time, and possess the same qualifications as the Governor. He shall be ineligible to the office of Lieutenant Governor for the next succeeding four years after the expiration of any two consecutive terms for which he shall have been elected."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

By Mr. Ratcliffe.

H. Res. No. 37. A JOINT RESOLUTION authorizing Nannie Mae Kelly and her husband, Herbert Kelly, to sue the Commonwealth of Kentucky and the State Fair Board, or either of them.

Said resolution is as follows, viz:

WHEREAS, on or about September 12, 1952 Nannie Mae Kelly suffered serious and disabling injuries by reason of the occurence of a fire in the grandstand at the State Fairgrounds in Louisville and, as a result of those injuries her husband, Herbert Kelly, has lost her companionship and services and has been required to expend large sums for medical, hospital and nursing care for his wife; and

WHEREAS, there is considerable doubt as to whether the

aforesaid fire and injuries sustained by Nannie Mae Kelly as a consequence thereof were caused, brought about or contributed to by the joint and concurring negligence of the State Fair Board and Fairgrounds Speedway, Inc., the concern which had previously been in possession of the said grandstand under a lease from The State Fair Board, or whether the same were caused, brought about or contributed to solely by reason of the independent negligence of one or the other of them; and

WHEREAS, justice requires that the above question be litigated in one forum, which is impossible under existing law because Fairgrounds Speedway, Inc. cannot be made a party to the proceedings instituted by Nannie Mae Kelly and Herbert Kelly before the Kentucky Board of Claims and the State Fair Board can obtain a dismissal of the suit instituted by them against it in the Jefferson Circuit Court; and

WHEREAS, justice further requires that Nannie Mae Kelly and Herbert Kelly be adequately compensated for their injuries in the event the State Fair Board was negligent in bringing about the injuries which they have suffered, which cannot be accomplished under existing law by reason of the monetary limit placed upon the jurisdiction of the Board of Claims by Kentucky Revised Statutes, Section 44.070;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section I: That Nannie Mae Kelly be and she hereby is authorized and permitted to sue the Commonwealth of Kentucky and the State Fair Board, or either of them, in the Circuit Court of Jefferson County, Kentucky in such sum as will fairly and reasonably compensate her, but not to exceed the sum of $15,000.00, for such injuries and damages as she may have sustained as a direct and proximate result of the negligence, if any, of the State Fair Board and the Commonwealth of Kentucky, through their agents and employees in causing, bringing about or contributing to the occurrence of a fire and the conditions created thereby on or about September 12, 1952 in the grandstand on the State Fairgrounds in Louisville.

Section II: That Herbert Kelly, husband of Nannie Mae Kelly, be and he hereby is authorized and permitted to sue the Commonwealth of Kentucky and the State Fair Board, or either of them, in the Circuit Court of Jefferson County, Kentucky in such sum as will fairly and reasonably compensate him, but not to exceed the sum of $5,000.00, for the loss of society, companionship and services of his wife and the amounts expended by him for medical, hospital and nursing care for her as a consequence of the injuries sustained by her on the occasion and under the circumstances set forth in Section I hereof,

Section III: That the statute of limitations shall not be pleaded by the Commonwealth or the State Fair Board as a defense to any suit brought pursuant to Section I or II hereof if such suit is instituted within six months after this act becomes effective.

Section IV: That the filing of a duly authenticated copy of this act with the Clerk of the Jefferson Circuit Court in the action previously instituted therein by Nannie Mae Kelly and Herbert Kelly against Fairgrounds Speedway, Inc. and the State Fair Board, together with a duly authenticated copy of an order of the Kentucky Board of Claims dismissing with prejudice the claims filed therein by Nannie Mae Kelly and Herbert Kelly shall constitute compliance in full with the requirements of this act, and no further action need be taken by Nannie Mae Kelly and Herbert Kelly in order to bring the Commonwealth of Kentucky and the State Fair Board before that court.

Section V: That any party to the actions mentioned in Sections I and II hereof may appeal from any judgment which may be rendered by the Jefferson Circuit Court to the Court of Appeals of Kentucky as in any other civil action, and the same may be settled and adjusted by and with the consent and approval of the Attorney General in the same manner and to the same extent as any private civil action may be settled or adjusted. Any amounts recovered by way of judgment or compromise shall be paid by the Commissioner of Finance by warrant drawn upon the State Treasurer and paid out of the General Fund.

Section VI: No statement in this resolution shall be considered by either the court or jury as an admission of negligence

upon the part of the Commonwealth or the State Fair Board, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

COMMITTEE REPORTS

Mr. Ockerman, Chairman of the Committee on Revenue and Taxation, to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 18. AN ACT relating to refund of ad valorem taxes and of unconstitutional taxes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Webster, Chairman of the Committee on Sixth Class Cities, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 157. AN ACT changing the classification of the City of Silver Grove, in Campbell County.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 144. AN ACT relating to public works in cities other than the first class, repealing Subsection (4) of Section 94.316 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 197. AN ACT relating to credit unions, and amending sections 290.010, 290.080, 290.120, 290.130, 290.200, 290.220 and 290.230 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

S. B. No. 47. AN ACT relating to the Legislative Research Commission.

H. B. No. 140. AN ACT amending KRS 64.150, relating to fees of jailers and increasing certain fees.

H. B. No. 172. AN ACT relating to special judges and amending Sections 23.220 and 23.230 of the Kentucky Revised Statutes, and repealing Sections 23.240 and 23.250 of the Kentucky Revised Statutes.

H. B. No. 141. AN ACT relating to the appointment of deputy coroners, the holding of inquests, and amending Section 72.040 of the Kentucky Revised Statutes.

H. B. No. 227. AN ACT changing the classification of the City of Loyall, in Harlan County.

JOINT H. Res. No. 6. A JOINT RESOLUTION inviting Adlai E. Stevenson to address a joint session of the General Assembly.

JOINT Res. No. 19. A JOINT RESOLUTION expressing support of the Tennessee Valley Authority.

JOINT Res. No. 10. A JOINT RESOLUTION petitioning Congress to provide for the canalization and impounding of the Big Sandy River.

H. B. No. 80. AN ACT relating to traffic regulations and equipment of vehicles.

H. B. No. 31. AN ACT relating to reinstatement of War Veterans in public position or employment held before entering service, and amending section 61.370 of the Kentucky Revised Statutes.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 68. AN ACT changing the classification of the City of St. Matthews in Jefferson County.

Said bill is as follows, Viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of St. Matthews, in Jefferson County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of St. Matthews in Jefferson County, is transferred from the sixth to the fourth class of cities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
Eulick Walsh
W. W. Webster
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that House Bill No. 105 be recommitted to the Committee on Cities of the Sixth Class, to which it had been previously referred.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 90. AN ACT relating to agricultural Experimentation and amending Section 247.020 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The College of Agriculture of the University of Kentucky, shall constitute the Agricultural Experiment Station.

(2) The experiment station shall operate and direct the substations at Quicksand and Princeton which shall be divisions of the experiment station.

(3) The experiment station may purchase, lease or accept gifts of farms for use in its experimentation program.

Section 2. On experimental farms acquired under the provisions of subsection (3) of KRS 247.020 the Agricultural Experiment Station shall conduct experimentation and demonstrations in the interest of agriculture, horticulture and forestry and the development thereof in the Commonwealth. In addition to the purposes set out in KRS 247.030 experimental farms shall be used to determine the phases of horticulture, forestry and

agriculture, including grasslands, hay crops and rotation thereof, and animal husbandry best suited to particular soil belts and areas of the state.

Mr. Clay moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	W. L. Hadden
Walter J. Bailey	Harry M. Caudill	C. Ruby Harralson
John Rhea Banton	Cassius M. Clay	George F. Harris
Clarence J. Barnum	William J. Conley	Harold G. Helm
Wallace Bartley	Charles W. Craig	Henry R. Heyburn
Charles E. Baumgardner, Sr.	C. E. Dowell	Lon C. Hill
Owen Billington	James A. Dressman, Jr.	Estill R. Hilton
Leo A. Bleemel	O. O. Duncan	Varna Holt
J. Murray Blue	Harold Edmonds	William M. Horn
J. C. Bradley	Addison L. Everett	William L. Jones
Edward T. Breathitt, Jr.	Herbert Fern	Jennings H. Kearby
Edward O. Bridgers	Thomas P. Fitzpatrick	Talmage Lacy
	Cabell D. Francis	James W. Lambert
		George H. Lovelace
		Harry King Lowman

Shelby McCallum	Louis T. Peniston	E. H. Stumbo
Ralph E. McClanahan	Edward D. Pollitte	C. Waitman Taylor
Caleb McFadden	Roger E. Qualls	Eulick Walsh
William E. Maglinger	Paul T. Ratcliffe	Will Tom Wathen
Damon Majors	Jack Raybourne, Jr.	W. W. Webster
William C. Mann	Hobart Rayburn	Hicks Wells
William J. Marcum	Robert Reid	Warren D. Williams
George R. Martin	Lloyd E. Rogers	Mrs. Randolph Wilson
Carl D. Melton	Joe Rouse	T. D. Winstead
Alton B. Mitchell	William A. Routh	Charles W. Wirsch
Walter R. Moorman	Cecil C. Sanders	Dr. Clyde D. Wooton
Thomas J. Murphy	LeRoy Saylor	Paul E. Young
Foster Ockerman	W. R. Smith	
	Mrs. Thelma L. Stovall	—79

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 165. AN ACT relating to dairying and creating a dairy commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commission" means the Kentucky Dairy Commission;

(2) "Person" means any individual, corporation, partnership, association, cooperative, or other business unit;

(3) "Producer" means every person who produces milk or cream from cows and thereafter sells the same as milk, cream, or other dairy products;

(4) "Handler" means any person in his capacity as the operator of a milk plant or receiving station in the State of Kentucky at which milk, cream, or other dairy products are received from producers for the purpose of weighing, testing, processing or manufacturing;

(5) "Producer-handler" means any person who maintains his own herd, prepares for human consumption the milk or cream or other dairy products produced from said herd, and distributes and sells his or its own products, partially or exclusively, to customers or to others for sale to consumers.

Section 2. (1) There is hereby created a "Kentucky Dairy Commission" composed of six members. The membership of this commission shall be composed of the Commissioner of Agriculture, the head of the dairy section of the Agricultural Experiment Station and four members to be appointed by the Director of the Agricultural Experiment Station. The four at large members shall be selected as follows: One from the names of two persons submitted by the Kentucky Farm Bureau Federation; one from the names of two persons submitted by the Dairy Products Association of Kentucky; and two from four names submitted by the American Dairy Association of Kentucky. Of those names submitted by the American Dairy Association, two shall come from the first four congressional districts and two from the second four congressional districts. One member shall be selected from each of the two groups of congressional districts.

(2) All members appointed on this commission shall serve a term of four years and until their successors are appointed and qualified. All members shall be citizens of the United States and residents of this state. Whenever an appointment is made the names of two qualified persons shall be submitted to the director.

(3) The four members appointed on the first commission shall hold office as follows: One for one year, one for two years, one for three years, and one for four years, from the effective date of this Act. The terms of the office of the Commissioner of Agriculture and the head of the dairy section of the Agricultural Experiment Station shall be continuous and in succession of office of those persons holding such offices.

(4) The commission shall select a chairman from among its members, who shall preside at all meetings and vote as any other member. A secretary may be selected from among the commission members or hired from without.

(5) Vacancies occurring during a term shall be filled by appointment for the unexpired term and in case a member whose appointment must be made from the first four or second four congressional districts, moves from the districts for which he was appointed, his office shall automatically become vacant; whereupon the commission shall forthwith notify the Director of Agricultural Experiment Station and the American Dairy Association of Kentucky of such vacancy, and the said Director shall thereupon fill such vacancy by appointment as originally provided in subsection (1) of this section.

(6) All members of the commission shall be reimbursed for their actual necessary expenses and mileage at the rate of seven cents per mile, and each of the appointed members shall be paid, in addition thereto, ten dollars for each day spent in the discharge of his official duties.

(7) The Commonwealth shall not be liable for the acts or ommissions of said commissions or any member thereof, or any officer, agent or employe thereof, or upon any contract entered into by the commission. No member of the commission and no officer, agent or employe thereof, shall be personally liable on any contract or agreement of the commission. All salaries, expenses, costs and liabilities incurred under the provisions of this Act shall be the obligations of the commission.

Section 3. (1) The commission shall:

(a) Administer and enforce the provisions of this Act.

(b) Keep an accurate record and account of work performed which shall be a public record.

(2) The commission may:

(a) Employ attorneys, advertising counsel, and such employes as it deems necessary, and fix their compensation as prescribed in KRS 64.640.

(b) Adopt necessary rules, and regulations to carry out the provisions of this Act.

(c) Establish such offices at such places as it deems necessary to best carry out the provisions of this Act.

(d) Enter into contracts and agreements deemed necessary to promote the sale and consumption of dairy products and to effectuate the provisions of this Act.

(e) Conduct scientific research for the purpose of developing and discovering health, food, therapeutic, dietetic and industrial uses for dairy products.

(f) Plan and conduct campaigns for dairy commodity advertising, publicity, and sales promotion, research and educational campaigns, to increase the consumption of dairy products, and contract for any advertising, publicity, sales promotion, research and educational service.

Section 4. (1) (a) Every person who is a resident of, or has a place of business in this state and owns or operates facilities at which milk, cream or other dairy products are received from producers (including a producer's own production) shall register as a "handler" with the commission on or before the first day of July, 1954, or on such other rate as may be fixed by the commission.

(b) Such person shall obtain, for each buying or receiving location, a permit for such handling of milk, cream and other dairy products, from the commission, after the payment of an annual permit fee of one dollar by each such person.

(c) All permits shall expire on the first day of July each year or on such other date as may be fixed by the commission, but may, annually, be renewed for a period of one year by the payment of a permit fee for renewal as herein provided.

(d) The commission may, in its discretion, transfer any valid permit to a new holder with the consent of the holder thereof.

(e) The renewal permit fee of one dollar is due on or before the expiration date of the holder's permit, but failure to renew a permit before expiration thereof, unless revoked by the com-

mission, shall not deprive a permit holder of the right to renewal; in such cases a permit holder or registrant otherwise in good standing may renew his permit by payment of any and all annual fees unpaid by him with a penalty of two dollars in addition thereto.

(2) In addition to the annual permit fee herein referred to, there is hereby levied and imposed, an assessment on milk and butterfat received by handlers from producers at the rates to be fixed by the commission, which shall not exceed two cents per hundredweight on milk, and one-half cent per pound of butterfat in cream and milk products, other than milk, during any months of any calendar year. For the purpose of computing the asssesment in markets where weights of milk or butterfat tests of cream and other dairy products are not available or not established by adequate weight and test records, milk shall be deemed to weigh eight and six-tenths pounds per gallon and butterfat in cream shall be computed on the basis of thirty-two percent fat content.

(3) All assessments levied and imposed hereunder on the receipt of milk, cream and other dairy products shall be collected by the first handler, and the money so collected shall be deducted from the amount due and payable to the producer of the milk or butterfat, and all moneys so collected shall be paid to the commission on or before the twentieth day of the month immediately following the month during which such milk or butterfat was received from producers.

(4) For the purpose of this section a producer-handler shall be deemed a first handler and shall pay direct to the commission the assessments, levied and imposed on milk and butterfat as provided herein, upon the milk and butterfat produced by said producer-handler; Provided, however, that the assessments hereinbefore stated shall not applly to:

(a) Milk and cream used or consumed on the farm where produced, or

(b) Milk and cream sold direct to consumers from a producer-handler's own production in any month during which such sales do not exceed three thousand pounds of milk, or one hundred and fifty pounds of butter.

(5) It shall be unlawful for any handler to receive milk, cream, or other dairy products, from producers without being in possession of a valid permit and the commission may withhold the issuance, renewal, transfer or reinstatment of the permit of any handler who has not fully complied with the provision of this Act.

Section 5. All moneys received by the commission under this Act shall be placed in the State Treasury to the credit of a revolving fund for the use of the commission in carrying out its functions.

Section 6. Any officer, employe or agent of the commission may be required to give bond as provided in KRS 62.060 with surety approved by the Governor.

Section 7. Every first handler, including a producer-handler, shall keep a complete and accurate record of all milk and of all butterfat in cream or other dairy products received by him from producers during any month designated by the commission. Such records shall be in such form and contain such information as the commission may, by order or regulation, prescribe, and shall be preserved for a period of two years and shall be open to inspection at any time upon request of the commission or its duly authorized agent or employe. The commission may require such first handler, including a producer-handler, to file a return with the commission for each month during which the assessments provided by the preceding section are applicable on forms to be prescribed and furnished by the commission. Such returns shall contain such information as the commission may require, and shall be filed with the commission at the time payments of assessments are required to be made. The record keeping, reporting and payment obligations of a first handler under this Act may, by approval of the commission, be assumed and performed in his behalf by any other responsible person.

Section 8. (1) The commission may initiate proceedings, either on its own motion or on the complaint of any person, for the purpose of hearing and investigating evidence of the failure or refusal of any person to comply with the provisions of this Act after first giving thirty days prior notice to the accused as to the

date and time fixed for the hearing and the nature of the charge or charges.

(2) The commission shall not be bound by technical rules of evidence, except as may be required by the applicable administrative procedure laws of this state.

(3) After notice and hearing as provided in Section 8 the commission may, in its discretion, revoke the permit of any holder thereof to receive milk, cream and other dairy products from producers, and such revocation shall be prima facie evidence of violation of the provisions of this Act and will subject such person to prosecution and the applicable penalties as provided in Section 11.

Section 9. (1) Before fixing the date on which handlers shall be required to register and obtain permits, or fixing the effective date on which the assessment on milk or butterfat received from products is to be imposed and collected, the commission shall, for the purpose of ascertaining the approval of producers, conduct a referendum among the producers. The requirements for approval or favor of the producers shall be held to be complied with if, of the total number of producers voting in such referendum, the majority approve or favor the imposition and collection of the assessments authorized under this Act on milk and butterfat received from producers.

(2) The commission shall desigante the date, time and places for voting, appoint its agents or representatives for the purpose of such referendum, and adopt and direct the procedures to be followed in the conduct of the referendum, provided, however, at least one agent or representative and one place for voting shall be designated for each county in the state.

(3) The marketing of milk, cream or other dairy products to a handler, or in the case of a producer-handler, the sale of his own production in quantities exceeding three thousand pounds of milk or one hundred and fifty pounds of butter per month shall be a requisite for eligibility to vote.

Section 10. Whenever the commission has reason to believe that any person has violated any of the provisions of this Act, it shall certify the facts to the Attorney General or the Common-

wealth's Attorney of the district in which the violation occurred, who may in his discretian, take appropriate action.

Section 11. Any owner or operator of a plant or facilities, the use of which requires registration or the issuance of a permit under the provisions of this Act, who fails to comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than six months nor more than one year, or both.

Mr. Martin offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 7, by inserting after the word—cows—the following words "and goats"

Said motion was disagreed to, by voice vote.

Said amendment was rejected.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Cassius M. Clay
Paul Cobb
William J. Conley
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
Will Tom Wathen
W. W. Webster
Hicks Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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There voted in the negative—

John L. Day

—1

Resolved that the title thereof be as aforesaid.

Mr. Rouse moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Webster moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Webster, Mr. Jones, Mr. Taylor, Mr. Morris and Mr. Dowell.

H. B. No. 284. AN ACT relating to the registration and licensing of the termite and pest control industry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Board" means the State Board of Agriculture;

(4) "Insect" means all arthropods, mollusks, and annelid worms, except those producing disease in man;

(5) "Rodent" means the order rodentia and other pestiferous vertebrate animals;

(6) "Termite" means termite as commonly used as well as other cellulose-destroying organisms of all types;

(7) "Owner" means any individual, firm, partnership, corporation, organization, association, or any combination thereof who own a business for the purpose of applying or using insecticides, fungicides, or rodenticides for the control of termites,

rodents, or insects, or who for hire or compensation owns a business for controlling, destroying, preventing, repelling, inspecting for or identifying insects, rodents, or termites, or offering advice regarding control methods of sanitation procedures relative to insects, rodents, or termites. Excluded under these definitions are textile manufacturers, cleaners, or furriers who treat fabrics or furs in their place of business exclusively.

Section 2. Any owner who conducts a business for the purpose of applying insecticides, fungicides, or rodenticides for the control of termites, rodents or insects shall register with the department, on a form to be supplied by the department, before such owner shall engage in any such business in Kentucky. Every owner shall register annually and shall pay an annual fee of one hundred dollars for each place of business maintained in Kentucky during the year. The registration and annual fee shall also be paid by any owner maintaining a place of business outside Kentucky but who engages in business within Kentucky. Every nonresident owner shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of this Act or any liabilities arising from the operations hereunder. Every owner, or his designated representative, at the time of his initial registration, shall be required to pass a reasonable examination to be prescribed by the commissioner before a license shall be issued, but any holder of a license shall not be required to take additional examinations at the time of the annual license renewal unless his license has previously been revoked or unless he applies to be licensed in one or more additional fields of operation. Any owner, however, who furnishes sufficient written proof to the department that he was regularly engaged in business as an owner in Kentucky continuously during the two-year period prior to the effective date of this Act, shall not be required to take an examination for his license but shall be subject to the other requirements. In addition, the owner shall designate one or more persons responsible for the work conducted under the provisions of this Act. The license shall be issued by the board upon compliance with the requirements. Only one license shall be required for each owner at any one place of business for any or all fields of operation.

Section 3. The board shall have the power to promulgate reasonable rules and regulations concerning the following matters:

(1) Standards of application and workmanship;

(2) Proper health and safety precautions;

(3) Requirements for contractual responsibilities and fulfillment of agreements;

(4) Proof of financial responsibility;

(5) Furnishing of reports and information necessary for the department to carry out the provisions of this Act;

(6) Fields of operations for which licenses may be issued.

Section 4. Before any rules or regulations are adopted or amended the commissioner shall set a time and place for a public hearing before him or his representative, and shall cause at least fifteen days notice of the hearing to be given and shall cause to be set out in the notice the matters to be considered.

Section 5. The department's authorized representatives shall have authority to enter upon public and private premises for purposes of inspection.

Section 6. (1) A license may be revoked for just causes as hereinafter provided at any time after a hearing before the commissioner upon written complaint made by any person, firm, or corporation for whom work has been performed. The owner of such license shall be given notice in writing not less than fifteen days prior to the date of such hearing, sent by registered mail to the owner to the address shown by the records of the department.

(2) The grounds for the revocation of a license shall be as follows:

(a) If the owner or any regular employe, solicitor, agent, or representative of the owner shall make any material misrepresentations for the purpose of defrauding any member of the public or shall use any methods or materials which are not reasonably suitable for the purposes for which they are employed or provided.

(b) If the owner shall fail to pay any final judgment rendered against any owner or any regular employe, solicitor, agent, or representative of said owner by reason of liabilities resulting from activities under this Act.

(c) If the owner against whom complaint is registered shall refuse to provide the department with reasonable complete and accurate information regarding methods or materials used or work performed as requested.

Section 7. A license shall not be transferable. When there is a change in the business status of the owner or designated representative operating under a license, the owner, whether it be an individual, firm, partnership, association, or corporation or any combination thereof, shall have ninety days within which time to register an owner or designated representative to qualify under the provisions of this Act. However, in the event of the death of an individual owner, his heirs or representatives shall be allowed a minimum of ninety days in which to register an owner or designated representative to qualify under the provisions of this Act. Except as provided elsewhere in this Act, the owner or his designated representative must be qualified under the provisions of this Act by having passed the appropriate examination and obtaining a license.

Section 8. The commissioner shall notify any applicant or owner by registered mail of any decision of the board to refuse to grant a license or to revoke a license within ten days after such decision, and the applicant or owner shall have thirty days after such notification within which to petition the commissioner for a rehearing. The commissioner shall within ten days after the said rehearing notify the applicant or owner of its decision, and if the decision be unfavorable, said applicant or owner shall have thirty days within which to appeal such decision to the circuit court of the county in which he resides or maintains his principal place of business. If an owner takes such appeal within the time herein provided, the revocation by the board shall not become final until finally adjudicated, however the board may require the posting of a reasonable and appropriate bond pending final adjudication.

Section 9. This Act shall not apply to any individual work-

ing on his own premises, or to regularly employed wage hands working thereon, or to aerial applicators holding a valid permit from the Department of Aeronautics.

Section 10. The monies received from the license fees collected by the department hereunder shall be deposited in the State Treasury to the credit of the General Fund.

Section 11. Any person violating any of the provisions of this Act shall upon conviction thereof be guilty of a misdemeanor. Each separate violation of this Act shall be a separate misdemeanor, punishable by a fine of not more than five hundred dollars nor more than one year in jail, or both.

Section 12. Whereas, the lack of adequate control of the use of insecticides, fungicides and rodenticides has proved dangerous to human health and welfare, and

Whereas, it is now imperative that the use of such chemicals be immediately controlled, now

Therefore, an emergency is declared to exist and this Act shall be in full force and effect immediately upon its passage and approval by the Governor.

By Mr. Pollitte and Mr. Saylor.

H. B. No. 285. AN ACT relating to illegal beverages, providing for the sale of such illegal beverages upon conviction of the person arrested for violation concerning them, and amending Section 242.380 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 242.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) No property rights shall exist in any alcoholic beverages obtained, possessed, held or used in violation of this chapter.

(2) The court, upon conviction of the person arrested, shall order the alcoholic beverages to be turned over to the sheriff. At least once each year the sheriff shall hold a sale at which

such beverages shall be sold in the same manner as sales under execution, and the same fees shall be allowed the officers conducting the sale. The sheriff, after payment of costs and fees, shall pay the balance of the proceeds of sale, on pro rata basis, to the school districts in the county.

By Mrs. Wilson, Mr. Lambert, Mr. Duncan, Mr. Hill, Mr. Mitchell, Mr. Everett, Mr. Francis, Mr. Bartley, Mr. Majors, Mr. Winstead, Mr. Raybourne, Mr. Saylor, Mr. Pollitte, Mr. Cottengim, Mr. Newsom, Mr. Wells, Mr. Williams, Mr. Talmage, Mrs. Stovall, Mr. Taylor, Mr. Moorman and Mr. McCallum.

H. B. No. 286. AN ACT relating to the promotion of the Rural Kentucky Medical Scholarship Fund by the State Department of Health and making an appropriation therefor.

Said bill is as follows, viz:

WHEREAS, the Rural Kentucky Medical Scholarship Fund is a revolving fund which was established in 1946 by the Kentucky State Medical Association in cooperation with the University of Louisville School of Medicine as a means of providing better medical care for the people of rural areas in Kentucky by the careful selection of students who are willing to practice medicine in a rural area for at least as many years as they receive financial assistance from the fund; and

WHEREAS, the fund is administered by a board of trustees composed of the Dean of the Medical School chartered in the State of Kentucky, the State Health Commissioner, representatives from the Kentucky State Medical Association, the Kentucky Congress of Parents and Teachers, the Kentucky State Bar, the University of Louisville School of Medicine, the Kentucky Press, Kentucky Industry, Kentucky Farm Bureau and any other persons deemed necessary; and

WHEREAS, applications are welcomed from any young man or woman who is interested in becoming a doctor of medicine and practicing in a rural area in Kentucky;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky State Department of Health shall aid, assist and promote the Rural Kentucky Medical Scholarship Fund with such sums as may, from time to time, be appropriated by the General Assembly for this purpose.

Section 2. For the purposes of this Act, there is hereby appropriated to the State Department of Health out of the General Expenditure Fund in the State Treasury, the sum of five thousand dollars per year for each of the fiscal years 1954-55 and 1955-56 without lapse.

By Mr. Young.

H. B. No. 287. AN ACT relating to Banks and Banking and amending KRS Section 287.180 and 287.070.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 287.180 of the Kentucky Revised Statutes is hereby amended to read as follows:

1. Banks authorized under the laws of this state may, except as provided in paragraph 2 hereof, exercise only at their principal office powers necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange and other evidences of debt, and by purchasing bonds, receiving deposits and allowing interest thereon, buying and selling exchange, coin and bullion and lending money on personal or real security.

2. Any corporation presently or hereafter engaged in the business of banking, and meeting the requirements of this paragraph, may apply to the Commissioner of Banking for permission to establish, within the city in which its principal office is located and, subject to the limitation hereinafter imposed, within the county in which its principal office is located, a branch at which all of the powers conferred in paragraph 1 may be exercised.

Before the commissioner of banking shall approve or disapprove any application made under this paragraph he shall ascertain and determine that the public convenience and ad-

vantage will be served and prompted thereby and that there is reasonable probability of the successful operation of such branch. No such branch shall be authorized or approved by the commissioner unless all of the following are complied with:

(a) No such corporation having a combined capital and surplus of less than $100,000 shall be permitted to establish any branch. Any corporation applying for permission to establish a branch shall, be required to have a minimum combined capital and surplus for each branch applied for in accordance with the following table:

If the principal office is located in:

(i)	an unincorporated area or in a city of 7,999 population or less	$100,000
(ii)	city with population of 8,000 to 19,999	$200,000
(iii)	city with population of 19,999 and over one branch may be authorized for every $250,000 of capital and surplus.	

Said population is to be determined by the last census or any future census of the United States.

(b) No such corporation shall be permitted to establish a branch in any incorporated city (other than in the city in which its principal office is located) in which there is an existing bank. Nor shall any such corporation be permitted to establish a branch in any unincorporated area within a radius of one mile of an existing bank located in such unincorporated area. As used in this paragraph an "existing bank" shall mean the principal office of a bank as distinguished from a branch thereof.

(c) The permission to open a branch shall lapse at the end of six months unless it shall have been opened and business actually begun in good faith. For reasons determined by the Commissioner of Banking to be sufficient said permission to open a branch may be, with the approval of the commissioner, be extended for one six month's period.

3. Any corporation which on January 1, 1954, was en-

gaged in operating an agency or branch bank, may continue to retain and operate the same under the general banking laws.

4. The provisions of this Section shall not be construed to prohibit the merger of banks in the same county and the operation by the merged corporation of such banks, nor to prohibit the sale of any bank to, and the purchase thereof by, any other bank in the same county and the operation of such bank by the purchasing bank as a branch, provided the Commissioner of Banking shall determine that the public convenience and necessity will be served by such operation, and provided further that, at the time of such merger or purchase, each of the banks involved shall have been in operation for a period of five years or more.

5. Any national banking association or any state bank member of the Federal Reserve System whose principal office is located in this state is hereby authorized to do all things and perform all acts which state banks are permitted to do or perform this Section, subject to the conditions and restrictions provided for banks as to exercise of such powers.

6. When a branch or agency bank has once been established any operation thereof shall not be discontinued, and said branch or agency bank shall not be closed until and after 90 days notice in writing to the commissioner. In the discretion of the commissioner said branch or agency bank proposing to discontinue operation may be required to give notice of the date when such operation will cease.

7. Section 287.070 is hereby amended to read as follows:

(1) The capital stock of any financial institution mentioned in KRS 287.040 organized prior to May 31, 1938, shall be maintained in the amount required by the law in effect on May 30, 1938.

(2) The minimum capital stock of any bank or trust company organized after May 30, 1938, shall be as follows, according to the city in which it is located:

Cities of up to 7,999 population	$ 25,000
Cities of 7,999 to 19,999 population	50,000

Cities of 20,000 to 100,000 population	$100,000
Cities of over 100,000 population	$200,000

(3) The minimum capital stock of any combined bank and trust company, combined bank and real estate title insurance company or combined trust and real estate title insurance company or combined bank trust and real estate title insurance company, originated after May 30, 1938, shall be not less than twice the amount stated in subsection (2).

Mr. Stumbo moved that the rules be suspended for the purpose of having committee reports.

Said motion was agreed to.

Mr. Kearby, Chairman of the Committee on Claims, to which same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 21. A JOINT RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe, Jr. of Boyle County, Kentucky, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Kearby, Chairman of the Committee on Claims, to which same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 25. A JOINT RESOLUTION authorizing Mitchell Preston to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Kearby, Chairman of the Committee on Claims, to which same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 20. A JOINT RESOLUTION authorizing Eugene Patterson, of Lexington, Fayette County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Kearby, Chairman of the Committee on Claims, to which same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 23. A RESOLUTION authorizing Ruby G. Wicker, personal representative of Burtis Wicker, to sue the Department of Highways and the Commonwealth of Kentucky, or either of them.

Whereupon, the said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Smith moved that the House do adjourn, it adjourned to meet again at 10:00 A. M. Thursday, February 11, 1954.

Said motion was agreed to.

Mr. Ockerman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Ockerman moved that John R. Cook III be made an honorary page.

Said motion was agreed to.

Mr. Sanders moved that the House adjourn until 10:00 A. M. Thursday, February 11, 1954.

Said motion was agreed to.

And the House did then adjourn.

THURSDAY, FEBRUARY 11, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend J. A. O'Dwyer, Pastor of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway

Eulick Walsh	Mrs. Randolph Wilson	Dr. Clyde D. Wooton
Will Tom Wathen	Charles W. Wirsch	Paul E. Young
Morris Weintraub	Walker H. Wiseman	Charles W. Burnley,
Hicks Wells		Speaker
William B. Wells		—90

Mr. McClanahan moved that the reading of the Journal of the proceedings of Wednesday, February 10, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to all absent members.

Said motion was agreed to.

GOVERNOR'S MESSAGE

A message was received from the Governor announcing that he had disapproved a bill entitled:

H. B. No. 32. AN ACT relating to the payment of expenses of members of the General Assembly and the Lieutenant-Governor.

Together with his objections and his reasons therefor.

For bill, see House Journal of February 3, 1954.

The objections of the Governor and his reasons therefor are as follows, viz:

VETO MESSAGE

HOUSE BILL NUMBER 32

GENERAL ASSEMBLY

REGULAR SESSION 1954

I hereby veto and disapprove House Bill 32. I recognize it is the duty and responsibility of the General Assembly to fix the salary and compensation of all public officials of the Commonwealth. However, before any salaries are increased during this fiscal year, I feel it is my duty to point out that if House Bill 32 is enacted into law, it will be necessary for the increases proposed

therein to be paid out of the State Properties and Building Commission Fund, since there are insufficient funds in the legislative appropriation and since there is no balance remaining in the General Fund and since the State does not at this time have a surplus. In the event this Act should become law, it simply means that the appropriation thereunder would have to be met out of the small balance now in the Building Commission Fund.

My second reason for vetoing House Bill 32 is that I consider expense accounts of this nature to be unsound and unwise public policy.

Lawrence W. Wetherby
Lawrence W. Wetherby
Governor

Ordered that said bill together with the message from the Governor, be laid on the Clerk's desk.

Mr. Maglinger moved that the House do now take up from the Clerk's desk, a bill entitled:

H. B. No. 32. AN ACT relating to the payment of expenses of members of the General Assembly and the Lieutenant-Governor.

Said motion was agreed to.

(For bill and Veto Message, see Journal of today ante.)

Mr. Maglinger moved that the House do now reconsider said bill.

Said motion was agreed to.

Thereupon, the House proceeded as provided by the Constitution, to reconsider said bill.

After such reconsideration the question was taken upon the passage of said bill, the objections and veto of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. C. Bradley
John Young Brown
Charles W. Buchanan
Paul Cobb
William J. Conley
Vernor O. Cottengim
Charles W. Craig
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
David Heskamp
Lon C. Hill
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Morris Weintraub
Hicks Wells
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Owen Billington
J. Murray Blue
Edward T. Breathitt, Jr.
Cassius M. Clay
R. Josh Cosby
W. Marvin Davis
Harold G. Helm
Henry R. Heyburn
Estill R. Hilton
Varna Holt
Harry King Lowman
Shelby McCallum
Edward D. Pollitte
LeRoy Saylor
William B. Wells
Mrs. Randolph Wilson
Walker H. Wiseman

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Mr. Maglinger moved that the vote by which said bill was reconsidered and passed, the objections and veto of the Governor to the contrary notwithstanding, and said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate for action.

Mr. McClanahan moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 16. AN ACT relating to taxation and sewer service charges of sanitation districts and amending sections 220.360 and 220.510 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 220.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of directors, as soon as duly appointed and qualified, may levy one, two, or three annual taxes, which taxes need not be in successive years, of not more than fifteen cents upon each one hundred dollars of assessed valuation of property within the district, to be used for the purpose of paying the expenses of organization, surveys and plans, and for other incidental expenses that may be necessary up to the time money is received from the sale of bonds. This tax shall be certified to the auditors of the various counties and by them to the respective treasurers of their counties. The tax shall be based upon the last preceding assessment for state and county purposes, its collection shall conform to the collection of taxes for counties, and the same provisions concerning the nonpayment of taxes shall apply. The tax shall be added by the county clerk to the next state and county tax bill following the levy of the tax by the board of directors, and shall be collected concurrently with the state and county taxes. Neither the county tax commissioner nor the county court clerk shall be entitled to any additional compensa-

tion for the services rendered in connection with the listing of the property for taxation nor shall the sheriff receive any additional compensation for the collection of the tax.

Section 2. Section 220.510 of the Kentucky Revised Statutes is amended to read as follows:

The board of directors shall, by resolution, determine the rates and compensation or rentals to be charged for the use of the sanitary works. The board of directors may provide for a sewer service charge to be imposed and collected, beginning at the time the plan for the improvement has been approved by the State Board of Health, and work is begun on plans and specifications for the improvement. The rates shall at all times be reasonable, taking into account the cost of the works, the cost of operation and maintenance, and the amount necessary for the amortization of the bonds issued to finance the works. The same schedule of rates and charges shall apply to all users of the same class. The rates shall be binding upon all users of the system. The board may alter and revise the rates in its discretion. In case of failure of any user to pay for services rendered, the board may compel payment and may enjoin further use until the payment is made, or it may institute an action in any court having jurisdiction for the recovery of charges for services rendered, or the board may, by a notice in writing, signed by its chairman or any member of said board, notify the municipality, or the person, firm, or corporation which furnishes water to the user's premises, to shut off the water service to said user's premises until such time as all delinquent charges, plus a reasonable charge for turning off and on the water service, against said user, are paid in full. Upon receipt of such notice in writing, the municipality, or the person, firm, or corporation, which furnishes water to the said user's premises, shall immediately shut off and discontinue the water service to the said user's premises. Upon full payment of such account, plus a reasonable charge for turning off and on the water service, the chairman, or any member of said board, shall notify the said municipality, person, firm, or corporation, which furnishes water to said user, that the account is paid in full, including such reasonable charge for turning off and on the water service, and that the said water service can again be provided to said user's premises. The board of

directors shall promptly pay to such municipality, person, firm, or corporation, such fee or charge collected for turning off and on such water service. The board may enter into contracts with public corporations or other large users of sewer services. The board may provide by resolution any provisions and stipulations it deems necessary for the administration of the revenue of the district, and for the security of the bondholders.

S. B. No. 100. AN ACT relating to public printing, amending subsection (1) of Section 57.020, subsection (7) of Section 57.140 and Sections 57.180, 57.220, 57.250 and 118.180 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 57.020 of the Kentucky Revised Statutes is amended to read as follows:

"The Superintendent of Public Printing shall superintend all printing done by the contractors for the state printing, and shall specify the kind and style of paper, the type to be used, and the style of printing and binding, including the multiple printing of forms in large quantities according to standard size of sheets available, subject to specifications furnished by the Department of Finance."

Section 2. Subsection (7) of Section 57.140 of the Kentucky Revised Statutes is amended to read as follows:

"The acts, the journals of each house of the General Assembly, and the report of the Commissioner of Agriculture, Labor and Statistics shall be bound. All other printed matter shall be only stitched, unless otherwise specially ordered."

Section 3. Section 57.180 of the Kentucky Revised Statutes is amended to read as follows:

"All contractors under this chapter shall promptly execute all orders issued to them by the Department of Finance. The acts and the journals of the two houses of the General Assembly shall be printed and bound, and delivered respectively within sixty days and one hundred eighty days after the end of the ses-

sion to the State Librarian for distribution, under the penalty of forfeiture of the bond of the contractor. The Department of Finance may, on good cause shown by the contractor, extend the time for not more than thirty days for executing any work."

Section 4. Section 57.220 of the Kentucky Revised Statutes is amended to read as follows:

"All proclamations, advertisements, notices, proposals and other publications made by any state officer or other person authorized to publish the same on behalf of the state shall, except as otherwise specifically provided by statute, be published in a newspaper or newspapers designated by the Department of Finance, and shall be paid for at such rates as shall be established by the Department of Finance. No allowance shall be made for space occupied by unnecessary blank or displayed headlines, or other device to increase the amount, not required by good taste and the nature of the matter inserted."

Section 5. Section 57.250 of the Kentucky Revised Statutes is amended to read as follows:

"Maximum rates for binding (including sewing) shall be as follows:

(1) For paper covers, including composition, presswork and putting on books, documents and publications, for one hundred copies, two dollars and fifty cents.

(2) For cloth or buckram binding with plain, gilded lettering or embossed lettering on sides or backs, per volume, one dollar.

(3) The words "public property," "property of the state," "state library," or the like shall be put in or on books without extra charge."

Section 6. Section 118.180 of the Kentucky Revised Statutes is amended to read as follows:

"All ballots shall be printed on a quality of paper to be determined by the Commissioner of Finance, weighing eighty pounds to the ream on the basis of a twenty-six by forty inch sheet, or forty pounds to the ream on the basis of a double cap

sheet. The county clerk shall notify the Secretary of State sixty days before the day of election of the size and the number of ballots that will be necessary for his county, estimating five percent more to the precinct than there are registered voters in the county, and the Secretary of State shall furnish the paper within five days after the notification by the county clerk."

S. B. No. 84. AN ACT relating to length of validity of recorded chattel mortgages, and amending Section 382.720 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 382.720 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in Section 2 hereof, a recorded chattel mortgage shall be invalid as against creditors, purchasers, junior mortagees, other lienors and encumbrancers and third parties after the expiration of a period of three years from the time the chattel mortgage is filed as provided in KRS 382.670 or from the time of filing of a statement as provided in this section, unless before the expiration of such term the mortgagee or someone in his behalf files a statement, in the office of the county clerk of the county in which the mortgage was filed, containing the names of the parties to the mortgage, the time and place where the original is filed, and the amount then due thereon for principal and interest, in which case the lien of the mortgage shall be extended for three years from the date of filing the statement. The county clerk may charge a fee of one dollar for filing such statement and shall enter it in his "chattel mortgage minute book" as in the case of a chattel mortgage.

Section 2. The provisions of this section shall not apply to any chattel mortgage executed by a corporation and heretofore or hereafter filed for record, which chattel mortgage secures bonds or other obligations any of which are to mature on a date after the expiration of a period of three years from the time the chattel mortgage is filed.

Ordered that said bills be printed and referred.

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 24. AN ACT relating to qualifications of members of Police and Fire Departments in cities of the fourth and fifth classes, and amending Section 95.710 of the Kentucky Revised Statutes.

H. B. No. 76. AN ACT relating to the execution and operation of a Southeastern Interstate Forest Fire Protection Compact.

H. B. No. 9. AN ACT changing the classification of the City of Junction City, in Boyle County.

Ordered that said bills be delivered to the Enrolling Clerk.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Kearby, Mr. Martin, Mr. Morris, Mr. Billington, Mr. Hill, Mr. McFadden, Mr. Smith and Mr. Wooton.

H. B. No. 288. AN ACT relating to alcoholic beverage excise tax.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsections (2) and (3) of Section 243.720 of the Kentucky Revised Statutes are amended to read as follows:

(2) There is levied upon the use, sale or distribution by sale or gift of wine, a tax of fifty cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one gallon, but in no event shall the tax be less than four cents on the sale or distribution of any retail container of wine.

(3) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $3.50 on each barrel of

thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

Sec. 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Upon all wine or malt beverages upon which the tax imposed by subsections (2) and (3) of KRS 243.720 as such statute existed on January 1, 1954 has been paid and which on July 1, 1954, are held and intended for sale or for use, there shall be levied, assessed, collected and paid a floor stocks tax as follows:

(a) Twenty-five cents on each gallon of wine and a proportionate tax at a like rate on all fractional parts of a gallon;

(b) One dollar on each thirty-one gallon barrel of malt beverages and a proportionate tax at a like rate on all fractional parts of a barrel.

(2) Under such regulations as the Department of Revenue shall prescribe, every person required by subsection (1) of this section to pay any floor stocks tax shall on or before July 15, 1954, make a return and pay such tax to the Department of Revenue. Payment of the tax shown to be due may be extended to a date not later than September 1, 1954, under such regulations as the Department of Revenue shall prescribe.

(3) Any person who fails to pay the tax levied by this section at the time prescribed in subsection (2) of this section for payment, shall pay a penalty of twenty percent of the amount of tax due. Such penalty shall be assessed by the Department of Revenue and may be reviewed as provided in KRS 131.110 and KRS 131.120.

(4) Any person who violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one thousand dollars, or be imprisoned for not less than thirty days nor more than one year, or both.

Sec. 3. This Act shall become effective on July 1, 1954.

By Mr. Treadway.

H. B. No. 289. AN ACT relating to the manner of elections of school board members, and amending Sections 160.210 and 160.260 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 160.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) In independent school districts, the members of the school board shall be elected from the district at large. In county school districts, members shall be elected from the county at large.

(2) The board of education of each county school district shall divide its district into five divisions as nearly equal in population in so far as is practicable. In first dividing the county district into divisions the board shall, if more than one of its members reside in one division, determine by lot which member from that division shall represent that division, and which members shall represent the divisions in which no member resides. The members so determined to represent divisions in which no member resides shall be considered the members from those divisions until their terms expire, and thereafter the members from those divisions shall represent their respective divisions but shall be nominated and elected from the county at large as provided in KRS 160.260.

When it is made necessary by shifts in population, the county board of education may alter the boundaries of the divisions in order to equalize the population of the divisions, but no change shall be made in the boundaries of the divisions within six months prior to the day on which a member of the school board representing any division is to be elected from the county at large. A record of the boundaries of each division and any changes made therein shall be kept in the office of the county board of education, and shall be published by the county board of education in a newspaper of general circulation.

(4) Any citizen in the district may prosecute an appeal to the county court from the action of the board in making a division line or a change thereof, and from the county court to

the circuit court of the county in which the district is located. The procedure on appeal shall be the same as in other civil cases.

Section 2. Section 160.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The voting in county districts shall be by the county at large. Each voter shall be issued a school ballot and shall vote for only one candidate from each division as represented on the ballot by making crosses in the squares opposite the names of the candidates for whom he wishes to vote. The legally eligible candidate in each division receiving the highest number of votes from the county at large shall be declared elected and shall represent his division.

(2) In independent school districts each voter may vote for as many candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote, and the ballot shall show the number of board members to be elected. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected.

Section 3. This Act shall become effective July 1, 1954.

By Mr. Everett, Mr. Fern, Mr. Heskamp, Mr. Horn, Mr, Rayburn, Mr. Wooton, Mr. Ratcliffe, Mr. Morris, Mr. Davis, Mr. Cosby, and Mr. McClanahan.

H. B. No. 290. AN ACT providing for the regulation of the practice of optometry; authorizing the issuance of licenses to engage in the practice of optometry; providing for the administration and enforcement of this Act; regulating the advertising of optical supplies and equipment; prohibiting certain types of advertising by optometrists or other persons; regulating the sale of visual aid glasses; prohibiting the sharing of prices paid for visual aid glasses; providing for penalties for the violation of this Act; and repealing section 320.010 to 320.990, inclusive, of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The practice of optometry in the Commonwealth of Kentucky is hereby declared to affect the public health and safety and is subject to regulation and control in the public interest. Optometry is hereby declared to be a learned profession and it is further declared to be a matter of public interest and concern that the practice of optometry as defined in this Act and the optometric profession merit and receive the confidence of the public and that only qualified persons be admitted to the practice of optometry and be permitted to so practice in the Commonwealth of Kentucky. This Act shall be liberally construed to carry out these objects and purposes in accordance with this declaration of policy.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Board" means the Kentucky Board of Optometric Examiners.

(2) "Practice of Optometry" means the employment of any means other than the use of drugs, medicine or surgery to examine the human eye, to determine the visual efficiency of the human eye, or to determine the powers or defects of vision; the prescribing, providing, furnishing, adapting, using or employing lenses, prisms, contact lenses, visual training, orthoptics, ocular exercise or any other means or device other than the use of drugs, medicine or surgery for the aid, relief or correction of vision.

(3) "Visual Aid Glasses" means eyeglasses, spectacles or lenses designed or used to correct visual defects.

Section 3.

(1) No person shall practice optometry in this Commonwealth or hold himself out as being able so to do unless he is the holder of a license duly issued to him by the board and registered in the manner provided by Section 10.

(2) Such license to practice optometry shall not be required by physicians or osteopaths regularly licensed to practice

medicine or osteopathy at any place in the Commonwealth of Kentucky, or by persons who fit, adjust or dispense visual aid glasses upon the written prescription of a regularly licensed optometrist, physician or osteopath.

Section 4.

(1) The Kentucky Board of Optometric Examiners shall consist of five practicing optometrists well grounded in the practice of optometry appointed by the Governor from a list containing three names for each appointment recommended by the Kentucky Optometric Association. The members shall serve for a term of four years and until their successors are appointed and have qualified. They shall serve without compensation but shall be reimbursed for actual expenses incurred in the carrying out of their duties under this Act.

(2) Each member shall be well grounded in the theory and practice of the profession of optometry and shall have been an actual resident and licensed practicing optometrist of this state for not less than five years immediately preceding his appointment to the board. He shall not be in any way connected with or interested in any optometric school, college or institution of learning or optometric supply business.

(3) Any vacancy occurring on the board as the result of a member not completing the term for which he was appointed shall be filled, for the unexpired term, in the same manner as is provided in subsection (1) for the appointment of members.

(4) A majority of the members of the board shall constitute a quorum for the transaction of business.

(5) Those persons appointed as members of the Kentucky Board of Optometric Examiners under the provisions of KRS 320.140 shall constitute the board created under the provisions of this Act and shall serve until the expiration of the term for which they were appointed and until their successors are appointed and have qualified.

Section 5.

(1) The board shall meet at least one each year at which time it shall choose from among its members the

president, vice-president, and secretary-treasurer. In addition, the board upon call of its officers, may hold meetings at such time as it deems necessary. The secretary-treasurer shall keep a full record of its proceedings which shall be open to inspection at all reasonable times.

(2) The board shall keep a register containing the name, address and license number of every person licensed to practice optometry in this state.

(3) The Attorney General shall render to the board such legal services as it may require in carrying out and enforcing the provisions of this Act.

(4) Subject to and consistent with the provisions of this Act, the board shall make and promulgate reasonable rules and regulations and do any and all things which it may deem necessary or proper for the effective enforcement of this Act and for the full and efficient performance of its duties hereunder and the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists.

(5) The board shall have a common seal.

(6) The board shall have authority to administer oaths and to require the attendance of witnesses, the production of books, records and papers pertinent to any matters coming before the board by the issuance of process which shall be served and returned in the same manner as in civil actions and for the disobedience of which the board shall have the power to invoke the same rights as are provided in the event of disobedience of a subpoena or subpoena duces tecum in a civil action.

(7) The board shall make rules and regulations governing applicants and applications for registration or license under this Act and governing the conduct of licensing examinations.

(8) The board shall from time to time accredit schools and colleges teaching optometry, the graduates of which shall be eligible to licensing examinations.

(9) The board shall have the right to determine what acts on the part of any person licensed as an optometrist in this state shall constitute unprofessional conduct under this Act.

(10) The board shall have authority, to assist in the prosecution of any violation of this Act and in the enforcement of any of the provisions of this Act.

(11) The board shall have such other powers and duties as may be provided in the provisions of this Act.

(12) The board shall make a report of its proceedings to the Governor on or about January 1st of each year, including an accounting of all moneys received and disbursed.

Section 6.

(1) Licenses to engage in the practice of optometry shall be issued only to those who qualify therefor under the provisions of Sections 7 or 8, or who successfully pass examinations conducted under the direction of the board at a time and placed fixed by the board. Each license certificate shall be signed by the president and secretary-treasurer and authenticated by the seal of the board.

(2) Examinations for a license to practice optometry shall be conducted by the board at least twice each year. Applicants for the examination shall furnish to the board, on forms furnished by the board, all required information, and shall receive from the secretary-treasurer due notice of the time and place of the examination.

(3) Examinations may be either oral or written, or both, and on such subjects as may be designated by the board. Applicants making an average grade of 75% upon all subjects shall be admitted to practice; provided, however, that no applicant shall be admitted to practice who does not make a grade of 60% or more upon each subject. Any applicant who makes a grade of less than 60% in only one subject may at the next subsequent examination held by the board be re-examined in that one subject, and, if he then makes a grade of not less than 75% in that particular subject, be admitted to practice.

(4) Every person applying for examination by the board shall present satisfactory proof verified by oath that he is at least 21 years of age, of good moral character, a citizen of the United States, has graduated from a high school having a four year course, and is a graduate of an accredited optometric

college, school or department of a university having a minimum five academic year course and recognized and approved by the board.

(5) The fee for each examination, including each re-examination, for a license to practice optometry shall be twenty-five dollars for resident applicants and seventy-five dollars for non-resident applicants.

(6) No person shall be allowed to take the examination more than three times within the period of any five consecutive years.

Section 7. Any person, who, on the effective date of this Act, was the holder of a valid, unrevoked license to practice optometry issued to him under the laws of this state, shall not be required to take an examination under this Act, but shall secure an annual renewal of his license, and in every other respect shall be subject to this Act.

Section 8. Any person who has been licensed to practice optometry in another state, which state has licensing and educational requirements substantially equal to or higher than those of this state and which grants equal licensing privileges to persons licensed in this state, may be issued, without examination, a license to practice optometry in this state upon the payment of a fee of seventy-five dollars and the production of satisfactory evidence that he is of good moral character and has actually practiced optometry for at least five years.

Section 9. (1) All optometrists desiring to continue practice shall annually, prior to March 1, secure from the secretary-treasurer of the board a renewal certificate upon the payment of a fee of not more than ten dollars. Not later than February 15th of each year the secretary-treasurer shall notify by mail, all optometrists of the renewal date and fee. Application for a renewal shall be upon such form as is prescribed by the board and the optometrist shall furnish the information required by such form.

(2) Failure of any optometrist to secure his renewal cer-

tificate within sixty days after March 1, shall constitute sufficient cause for the board to revoke his license.

Section 10. (1) Every optometrist shall register his license with the clerk of the county in which he resides. The clerk shall receive the sum of $1.00 as a filing fee.

(2) Every practicing optometrist shall display in a conspicuous place at the entrance to his office the true full name of the person practicing therein and shall keep his license certificate conspicuously displayed in his place of practice so that it can easily be seen and read but not so as to use it to attract patronage.

Section 11. It shall be unlawful and a violation of the provisions of this Act for any person:

(1) To sell, fit or dispense visual aid glasses except upon the written prescription of an optometrist, physician or osteopath regularly licensed to practice optometry, medicine or osteopathy. Eye-glasses or spectacles with plano-white or plano-colored lenses shall not be considered visual aid glasses.

(2) To practice optometry, directly or indirectly, or to hold himself as being able so to do without first having obtained a license from the board and filing the same with the clerk of the county in which he resides.

(3) To directly or indirectly solicit the sale of spectacles, eyeglasses, lenses, frames, mountings, eye examinations or optometric services.

(4) To advertise by any means whatsoever, directly or indirectly, the cost or price of visual aid glasses; to offer such glasses at a discount or as a premium for the purchase of any article of merchandise; to advertise any reference to or comparison of cost or price of visual aid glasses in any manner whatsoever, directly or indirectly; to advertise any type of visual care service as being superior to any other, or to advertise the terms of credit or payment for such glasses.

(5) If he writes a prescription for visual aid glasses, to receive any part of the price paid to a third person for filling such prescription; or for such third person to pay to the person

writing the prescription any part of the price paid for filling such prescription.

(6) To practice optometry under any name other than his own.

Section 12. (1) The board shall have the power to refuse to grant, issue or renew any license to practice optometry, or to revoke or suspend any license to practice optometry for any of the following causes:

(a) Presentation to the board of any license, certificate or graduation diploma illegally or fraudulently obtained, or the practice of fraud or deception in passing an examination.

(b) Conviction of a crime involving moral turpitude.

(c) Chronic or persistent inebriety or addiction to a drug habit to an extent that disqualifies from practicing with safety to the public.

(d) Loaning, selling, or fraudulently obtaining any optometry diploma, license, record, or certificate, or aiding or abetting therein.

(e) Gross incompetence, as determined by the board.

(f) Grossly unprofessional or dishonorable conduct, as determined by the board.

(g) The obtaining of any fee by fraud or misrepresentation or the practice of deception or fraud upon any patient or patients.

(h) Affliction with a contagious or infectious disease which, in the opinion of the board, renders practice of optometry by the licensee or applicant for license dangerous to the public health.

(i) Practicing as an itinerant, peddling from door to door, establishing a temporary office, or practicing optometry outside of or away from his regular office or place of practice.

(j) Employing, procuring, inducing, aiding or abetting any person, not holding a license, to practice optometry or any branch of medicine.

(k) Soliciting patients by advertising of any nature or description. Provided, however, that upon the opening, reopening or removal of an office for the practice of optometry, an optometrist may publish, in local newspapers, an announcement, which announcement shall be limited to a statement of his name, title, profession, degrees, address, telephone number and office hours; and further provided that such announcement shall not be published for more than 90 days after the opening, reopening or removal of such office; such announcement shall not exceed eight square inches in area.

(l) Seeking patronage by means of solicitors, canvassers, cappers, steerers or agents.

(m) Displaying any spectacle, eyeglasses, eyeglass or spectacle frames or mountings, goggles, lenses, prisms, spectacle or eyeglass cases, opthalmic material of any kind, optometric instruments, or optical tools or machinery, or any merchandise, material, or displays of a commercial nature in office windows or reception rooms or in display cases outside of the office, where the display of such merchandise, material or displays would make it visible from the street.

(n) Announcing his name in any city, commercial telephone or other public directory, or directories in public or office buildings, using display or bold-face type or type that is in any way dissimilar in size, shape, or color to that used for other practitioners of the healing arts in the same directory.

(o) Displaying his license, diplomas, or certificates in such a manner that they may be seen from the outside of the office.

(p) Using the title doctor or its abbreviation without further qualifying this title or abbreviation with the word "optometrist."

(q) Use by an optometrist of the words, "clinic", "infirmary", "hospital", "school", "college", "university", or "institute" in English or any other language in connection with any place where optometry may be practiced or demonstrated; provided, however, that nothing in this Section shall prevent an optometric clinic, approved by the board, from being conducted

on a nonprofit basis by a school or college of optometry or an association or registered optometrists.

(r) Any conduct which, in the opinion of the board, is of a character likely to deceive or defraud the public.

(s) The issuance of appointment cards or the display of the name of the licensee on the premises where he is engaged in the practice of his profession when the information goes beyond that permitted by a professional card.

(t) The display of the name and title of the licensee, in lettering larger than four inches in height for street-level offices, or larger than six inches in height for offices above street-level and in no event shall there be more than three such displays, and the illumination of said name and title except during office hours; the use of colored or neon lights, eyeglasses or eye signs, whether painted, neon, decalcomania, or any other medium of display either in the form of eyes or structures resembling eyes, eyeglass frames, eyeglasses or spectacles, whether lighted or not.

(2) Nothing in this Section shall be construed to prohibit a licensed optometrist from issuing appointment cards to his patients when the information thereon is limited to matter pertaining to the time and place of appointment and that permitted on a professional card. For the purpose of this Section, the professional card shall contain only the name, title, profession, degrees, address, telephone number and office hours of the licensed optometrist.

(3) Nothing in this Section shall prevent an optometrist from establishing not more than one branch office, providing such office contains such minimum equipment as shall be required by rule of the board and provided further that a duly licensed optometrist shall be in charge of such office.

Section 13. (1) Proceedings to revoke or suspend a license may be taken by the board from the matters within its knowledge or upon the information of another. If the informant is a member of the board, the other members shall constitute the board for the purpose of judging the accused. Every accusation shall be in writing, verified by some person familiar with the facts

charged in it. Three copies shall be filed with the secretary-treasurer of the board. Upon receiving the accusation the board shall, if it considers it sufficient, make an order setting the accusation for hearing at a specified time and place, and requiring the accused to appear and answer it. The secretary-treasurer shall cause a copy of the order and accusation to be served upon the accused at least ten days before the day appointed in the order for the hearing.

(2) The person accused shall appear at the time appointed in the order, answer the charges in writing and make his defense, unless for sufficient cause the board assigns another day for that purpose. If he does not appear the board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges, or if upon the hearing the board finds any of them true, it may proceed to a judgment of either revoking his license or suspending it. The board and the accused may have the benefit of counsel. The board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person by the issuance of subpoenas over the signature of the secretary-treasurer and the seal of the board and in the name of the Commonwealth.

(3) The revocation of any license shall be noted upon the records of the board, and the license shall be marked as cancelled upon the date of its revocation. The secretary-treasurer of the board shall, upon entry of a judgment of suspension or revocation, transmit to the county clerk of the county in which the license affected by the judgment is recorded, a copy of the judgment order, certified to as such by the secretary-treasurer for record. The copy of the judgment order shall be recorded in the same manner and the same book in which the record of the certificate to practice optometry is kept.

Section 14. A licensee whose license has been revoked by the board may appeal from the revocation order within thirty days of the cancellation of his license. The appeal shall be to the circuit court of the county in which the accused regularly practices. Any person who takes such an appeal shall serve upon the secretary-treasurer, a written notice of the appeal, and

shall file with the clerk of the circuit court to which such appeal is taken an appeal bond with good and sufficient surety, to be approved by the clerk, to secure the payment of any costs charged against him upon the appeal. The secretary-treasurer, within ten days after the service of notice of appeal, shall transmit to the clerk of the circuit court to which the appeal is taken a certified copy, under the seal of the Board, of the accusations on which the revocation was based and of the order of revocation. The clerk of the circuit court shall docket the case. It shall be tried de novo and in all respects like an ordinary civil action. Either party may appeal from the judgment of the circuit court to the Court of Appeals as in a civil action. The judgment shall be stayed from the date of the approval of the bond until final determination of the appeal.

Section 15. Upon application the board may reissue a license to practice optometry that has been revoked. No such application shall be made prior to one year after revocation. The board may prescribe the manner and form of application.

Section 16. No person shall practice optometry on premises not separate from premises whereon eyeglasses, lenses, eyeglass frames or any other merchandise or products are sold by any other person. For the purposes of this Section, any room or suite of rooms in which optometry is practiced shall be considered separate premises if it has a separate and direct entrance from a street or public hallway or corridor within a building, which corridor is partitioned off by partitions from floor to ceiling.

Section 17. All fees imposed and collected under the provisions of this Act shall be paid to the secretary-treasurer of the board for the use of the board, and shall be deposited in the State Treasury to the credit of an agency fund for the use of the board.

Section 18. The board may institute in its own name an action to enjoin, temporarily or permanently, a violation of any of the provisions of this Act, or a violation of any rule or regulation promulgated pursuant to this Act.

Section 19. Any person who violates any of the provisions of this Act shall be fined not less than fifty dollars nor

more than one hundred dollars for the first offense, and shall be fined one hundred dollars and confined in jail for thirty days for each subsequent offense.

Section 20. If any Section of this Act or any part thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other Section or part thereof.

Section 21. Sections 320.010 to 320.990, inclusive, of the Kentucky Revised Statutes are repealed.

By Mr. Reynolds.

H. B. No. 291. AN ACT relating to the terms of fiscal courts, enabling fiscal courts to hold monthly special terms, declaring an emergency, and amending Section 67.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 67.090 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. (1) The fiscal court of each county shall hold its sessions at the county seat.

(2) The fiscal court shall hold two regular terms each year, which shall continue until the business of the court is completed. The county judge may, by an order of record, fix the dates for the commencement of the regular terms.

(3) The county judge may call a special term of the fiscal court for the transaction of any business of which that court has jurisdiction. A majority of the members of the fiscal court may call a special term of the fiscal court each month if they deem it necessary.

Section 2. Whereas, the monthly business of the fiscal courts is now voluminous and important enough to demand the calling of a special term each month, an emergency is hereby declared to exist and this Act shall become effective upon its passage and approval by the Governor.

By Mr. Hilton.

H. B. No. 292. AN ACT changing the classification of the city of Flatwoods, in Greenup County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Flatwoods, in Greenup County, is transferred from the sixth to the fourth class of cities.

By Mrs. Stovall, Mr. Lowman and Mr. Routh.

H. B. No. 293. AN ACT relating to teachers' tenure.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 161.740 of the Kentucky Revised Statutes is amended to read as follows:

A teacher, eligible for continuing service status shall be re-employed and a continuous contract shall be entered into between the board of education and such teacher, upon the completion of the limited contract of the teacher with the board of education.

By Mr. Day.

H. B. No. 294. AN ACT making the birthday of Representative William E. Maglinger, of Daviess County, Kentucky, a legal holiday, and providing for reverent observation thereof.

Said bill is as follows, viz:

AN ACT making the birthday of Representative William E. Maglinger of Daviess County Kentucky, a legal holiday, and providing for reverent observance thereof.

(1) The birthday of Representative William E. Maglinger of Daviess County, Kentucky, shall hereafter be observed as a legal holiday in the Commonwealth of Kentucky.

(2) All establishments from which liquor is dispensed shall dispense such liquor free of charge on such day, and the people

of the Commonwealth shall lose themselves in a mass orgy of riotous celebration.

By Mr. Dressman and Mr. Cottengim.

H. Res. No. 38. A JOINT RESOLUTION requesting the Kentucky Department of Highways to study the advisability of building a turnpike between the city of Lexington in Fayette County and the City of Florence in Boone County to connect with the limited access highway which is proposed between Florence and the city of Covington in Kenton County.

Said resolution is as follows, viz:

WHEREAS, U. S. Highway 25 between the city of Lexington in Fayette County and the city of Florence in Boone County is dangerous because of an overload of traffic thereon; and

WHEREAS, such highway is dangerous because of its twisting and winding course; and

WHEREAS, it is desirable from the standpoint of life, limb and traffic flow that a turnpike be constructed to replace U. S. Highway 25 between Lexington and Florence to connect with the limited access highway which is proposed between Florence and the city of Covington in Kenton County;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Department of Highways of the Commonwealth of Kentucky is hereby requested to study the advisability of building a turnpike between the city of Lexington in Fayette County and the city of Florence in Boone County to connect with the limited access highway which is proposed between Florence and the city of Covington in Kenton County.

REFERRAL OF BILLS AND RESOLUTIONS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill 228—Cities of the Second Class

House Bill 229—Mines, Oils and Minerals

House Bill 230—Elections

House Bill 231—Ways and Means

House Bill 232—Ky. Statutes No. 1

House Bill 233—Education

House Bill 234—Ways and Means

House Bill 235—Cities of the Second Class

House Bill 236—

House Bill 237—Motor Transportation

House Bill 238—Compensation for Industrial Injuries

House Bill 239—Ky. Statutes No. 1

House Bill 240—Ky. Statutes No. 1

House Bill 241—Ky. Statutes No. 1

House Bill 242—Ky. Statutes No. 1

House Bill 243—Ways and Means

House Bill 244—Ky. Statutes No. 1

House Bill 246—Ways and Means

House Bill 247—Ky. Statutes No. 1

House Bill 248—Ky. Statutes No. 1

House Bill 250—Ky. Statutes No. 1

House Bill 251—Aviation

House Bill 252—Ways and Means

House Bill 253—

House Bill 254—Cities of the First Class

House Bill 255—Cities of the First Class

House Bill 256—Cities of the First Class

House Bill 257—Cities of the First Class

House Bill 258—Cities of the First Class

House Bill 259—Cities of the First Class

House Bill 260—Cities of the First Class

House Bill 261—Cities of the First Class

House Bill 262—Cities of the First Class

House Bill 263—Cities of the First Class

House Bill 264—Cities of the First Class

House Bill 265—Cities of the First Class

House Bill 266—Ky. Statutes No. 1

House Bill 267—Ky. Statutes No. 1

House Bill 268—Cities of the Fourth Class

House Bill 269—Ways and Means

House Bill 270—Regulation of Intoxicating Liquors

House Bill 271—Constitutional Amendments

House Bill 272—

House Bill 273—National and Civil Defense

House Bill 274—

House Bill 275—Ky. Statutes No. 1

House Bill 276—Revenue and Taxation

House Bill 277—Ky. Statutes No. 1

House Bill 278—Regulation of Intoxicating Liquors

House Bill 279—Ky. Statutes No. 1

House Bill 280—Motor Transportation

House Bill 281—Ways and Means

House Bill 282—Constitutional Amendments

House Bill 283—Constitutional Amendments

House Bill 284—Ky. Statutes No. 1

House Bill 285—Regulation of Intoxicating Liquors

House Bill 286—Appropriations

House Bill 287—Ky. Statutes No. 1

Senate Bill 3—Ways and Means

Senate Bill 83—Ways and Means

House Resolution 33—Ky. Statutes No. 1

House Resolution 34—Ky. Statutes No. 1

House Resolution 35—Executive and Legislative Affairs

House Resolution 36—Executive and Legislative Affairs

House Resolution 37—Committee on Claims

REPORT OF COMMITTEES

Mr. E. H. Stumbo, Chairman of the Committee on Veteran's, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 194. AN ACT relating to the awarding of Certificates of Merit to Kentucky war veterans who have been decorated or cited while serving the United States in any war, and awarding of Certificates of Military Service to all Kentucky war veterans who have served in any war or campaign that a service medal has been provided for by the United States Government for such military service.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. E. H. Stumbo, Chairman of the Committee on Veteran's, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 195. AN ACT relating to educational benefits for the children of certain deceased veterans.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. E. H. Stumbo, Chairman of the Committee on Veteran's, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 179. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. J. R. Banton, Chairman of the Committee on Cities of the Fourth Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 45. AN ACT relating to supervisors of taxes in cities of the fourth class.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Edward T. Breathitt, Jr., Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 159. AN ACT relating to the terms of court in the Twenty-fourth Judicial District.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 182. AN ACT relating to duties of the Kentucky Agricultural Experiment Station in regard to tobacco research, appropriating funds therefor, and amending Section 247.045 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 32. AN ACT relating to agriculture.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 166. AN ACT relating to stockyards.

Said bill is as follows, viz:

This Act requires that livestock yards of Kentucky be licensed, report receipts monthly, post bond as surety for payment of livestock, bond the weighmen employed and use only the scales recognized as satisfactory for livestock marketing needs.

Only 13 of Kentucky's 75 stockyards are under regulations of the Packers and Stockyard Act of the USDA. This Act places the same basic regulations on the unregulated yards and excuses the regulated yards in instances of duplication, with the exception that they must be licensed and pay the required license fee.

Livestock produced in other states and sold through those Kentucky stockyards maintaining sanitary and disease control inspection under USDA supervision are exempt from the 1 and 3 cent per head deduction as provided in this Act.

The Act will produce revenue to support its enforcement and to aid in the enforcement of Chapter 257—Livestock Sanitation—of KRS.

AN ACT relating to stockyards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Persons" shall include any individual, firm, association, partnership or corporation;

(2) "Department" means the Department of Agriculture, Labor and Statistics;

(3) "Commissioner" means the Commissioner of Agriculture, labor and Statistics;

(4) "Board" means the State Board of Agriculture;

(5) "Stockyards" means any livestock yard, concentration point, packing plant, or any other public place where livestock is regularly assembled for sale or exchange and is bought, sold, or exchanged at auction or upon a commission or other basis, but, specifically, it does not iclude individual sales conducted by or for Future Farmers and 4-H groups, county, state or private fairs and breed or livestock associations or individual sales conducted by or for a person at which livestock of such person's ownership is sold or exchanged on his own premises;

(6) "Posted Stockyards" means stockyards regulated by the United States Secretary of Agriculture under the Packers and Stockyards Act, 1921 (42 Stat. 159) as amended and regulations promulgated under these statutes by the Secretary of Agriculture;

(7) "Owner or Operator" means persons responsible for the operation of each individual stockyards;

(8) "Sales Agency" means persons engaged in the business of buying or selling livestock on a commission basis;

(9) "Livestock" includes cattle, swine and sheep of all kinds and species.

Section 2. The department shall administer and enforce the provisions of this Act and is hereby authorized to formulate, adopt, promulgate and enforce such rules and regulations as may be necessary to carry out the provisions of this Act.

Section 3. The commissioner, with the specific approval of the board, shall employ such inspectors and other employes as are necessary for the enforcement of this Act. Their duties shall be prescribed by the commissioner and their compensation shall be determined under the provisions of KRS 64.640.

Section 4. (1) The owner or operator of a stockyards shall file annually with the department, an application for a license to operate such a business under the provisions of this

Act. Such applications shall be made on forms furnished by the department and shall state fully and correctly the nature of business to be conducted at the stockyards, the correct location and post office address, and any other additional information the department may require in accordance with the provisions of this Act.

(2) The owner or operator of each stockyard shall pay an annual license fee of fifty dollars plus twenty dollars for each scale operated in excess of one, except that this twenty dollar fee shall not be required for any scale inspected under the provisions of the Packers and Stockyards Act, 1921, (42 Stat. 159) as amended.

(3) In the case of transfer of ownership of a stockyards by purchase or otherwise, a new application must be filed with the department and a new license procured by the new owner before operation may continue.

(4) In instances where two or more stockyards are owned and operated by the same person, a separate application for a license shall be filed and an individual license procured for each stockyard.

(5) Before issuing a license the department shall determine that the applicant has satisfactorily complied with the provisions of this Act and with the applicable provisions of KRS Chapter 257.

Section 5. The owner or operator of each stockyard shall file with the department, at the beginning of each month, a sworn statement showing the exact number of each kind and species of livestock received and sold at that stockyards during the preceding month. Such statements shall be made on forms furnished by the department.

Section 6. (1) The owner or operator of each stockyard shall withhold from any money payable to the owner of livestock sold at that stockyard, a fee of one cent per head on all swine, calves under three hundred pounds, sheep and lambs, and three cents per head on all cattle three hundred pounds or over, and shall remit such fees collected to the State Treasury. Where such money is payable directly to the seller of livestock

from a sales agency operating in the stockyard, said sales agency shall withhold the prescribed fees and remit such fees collected to the State Treasury.

(2) The provisions of this section shall not apply to livestock received from other states sold on a livestock market in Kentucky which maintains sanitary and disease control inspection supervised by the U.S.D.A.

Section 7. Each stockyard owner or licensee shall, during ordinary business hours, permit any authorized representative of the department to enter his place of business and inspect any or all property in his possession or control, and all records pertaining to the business of the stockyard owner or licensee, and make copies thereof. Any necessary facilities for such inspection shall be extended to such representative by the stockyard owner or licensee.

Section 8. (1) The owner or operator of any stockyard shall furnish a bond payable to the department, as trustee for the farmer, for the protection of consignors to whom such owner or operator is unable to pay for livestock received. Said bond shall be in an amount equal to the sum of two average days' receipts and shall be for not less than two thousand dollars nor more than fifty thousand dollars plus ten percent of the excess. This section shall not apply to posted stockyards.

(2) An average day's receipts shall be the total receipts of the previous year divided by the number of sale days. In the case of a newly established stockyard the amount of initial bond required shall be determined by the board.

(3) The required bond shall not be transferable and shall be returned upon termination of operation of the stockyard to the bondee after satisfactory settlement with all consignors of livestock is made.

Section 9. All scales used in stockyards shall be of a type registering with a balance indicator. Such scales shall be tested at least every six months by a scale agency approved by the department. Certification of such scales shall be exhibited before issuance or renewal or any stockyard license. This section shall not apply to posted stockyards.

Section 10. (1) The owner or operator of a stockyards shall furnish a bond to the department in the sum of one thousand dollars with surety to be approved by the department, conditioned on the faithful performace by its weighmen of their duties. If any weighmaster willfully misrepresents or attempts to misrepresent the weight of any animal, the bond shall be forfeited and the proceeds paid into the State Treasury to be credited to the general fund. This section shall not apply to posted stockyards.

(2) All persons suffering loss imposed by the fraudulent act of such weighman may recover valid claims from said bond not to exceed the amount of bond. Payment shall be made from the general fund of the State Treasury to which said bond was credited.

(3) It shall be unlawful for any weighman to misweigh or falsely report any weights or to otherwise fraudulently manipulate scales to produce a weight other than the true and actual weight of any livestock consigned to and sold at any stockyard.

Section 11. The department, with the approval of the board, may refuse to grant, or may revoke or suspend any license issued under the provisions of this Act for any violation of the provisions of this Act or any applicable provision of KRS Chapter 257.

Section 12. All license fees and all other fees collected under this Act shall be paid into the State Treasury to the credit of a revolving fund for the use of the department in defraying the expense of enforcing the provisions of this Act and in conjunction with other funds made available for the enforcement of the provisions outlined in KRS Chapter 257.

Section 13. (1) Any person who violates any provision of section 5 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each failure to file the monthly report required by section 5 shall constitute a separate offense.

(2) Any person who violates the provisions of section 10 or who attempts by any means to induce a weighman to falsely report the weight of any animal shall be guilty of a misdemeanor,

and shall be punished by a fine of not less than one thousand dollars, or by imprisonment for not more than one year, or both.

(3) Any person who violates any provision of this Act for which no other penalty is provided, or any rule or regulation made under the authority thereof, or who refuses to pay the fees herein required, shall be fined not less than one hundred dolars nor more than five hundred dolars, or shall be imprisoned for not more than three months, or both.

With Committee Amendment thereto by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Persons" shall include any individual, firm, association, partnership or corporation;

(2) "Department" means the Department of Agriculture, Labor and Statistics;

(3) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(4) "Board" means the State Board of Agriculture;

(5) "Stockyards" means any livestock yard, concentration point, packing plant, or any other public place where livestock is regularly assembled for sale or exchange and is bought, sold or exchanged at auction or upon a commission or other basis, but, specifically, it does not include individual sales conducted by or for Future Farmers and 4-H groups, county, state or private fairs and breed or livestock associations or individual sales conducted by or for a person at which livestock of such person's ownership is sold or exchanged on his own premises;

(6) "Posted Stockyards" means stockyards regulated by the United States Secretary of Agriculture under the Packers and Stockyards Act, 1921 (42 Stst. 159) as amended and regulations promulgated under these statutes by the Secretary of Agriculture;

(7) "Owner or Operator" means persons responsible for the operation of each individual stockyards;

(8) "Sales Agency" means persons engaged in the business of buying or selling livestock on a commission basis;

(9) "Livestock" includes cattle, swine and sheep of all kinds and species.

Section 2. The department shall administer and enforce the provisions of this Act and is hereby authorized to formulate, adopt, promulgate and enforce such rules and regulations as may be necessary to carry out the provisions of this Act.

Section 3. The commissioner, with the specific approval of the board, shall employ such inspectors and other employes as are necessary for the enforcement of this Act. Their duties shall be prescribed by the commissioner and their compensation shall be determined under the provisions of KRS 64.640.

Section 4. (1) The owner or operator of a stockyards shall file annually with the department, an application for a license to operate such a business under the provisions of this Act. Such applications shall be made on forms furnished by the department and shall state fully and correctly the nature of business to be conducted at the stockyards, the correct location and post office address, and any other additional information the department may require in accordance with the provisions of this Act.

(2) The owner or operator of each stockyard shall pay an annual license fee of twenty-five dollars plus ten dollars for each scale operated in excess of one.

(3) In the case of transfer of ownership of a stockyards by purchase or otherwise, a new application must be filed with the department and a new license procured by the new owner before operation may continue.

(4) In instances where two or more stockyards are owned and operated by the same person, a separate application for a license shall be filed and an individual license procured for each stockyard.

(5) Before issuing a license the department shall determine that the applicant has satisfactorily complied with the provisions

of this Act and with the applicable provisions of KRS Chapter 257.

Section 5. The owner or operator of each stockyard shall file with the department, at the beginning of each month, a sworn statement showing the exact number of livestock received and sold at that stockyards during the preceding month. Such statements shall be made on forms furnished by the department.

Section 6. Each stockyard owner or licensee shall, during ordinary business hours, permit any authorized representative of the department to enter his place of business and inspect any or all property in his possession or control, and all records pertaining to the business of the stockyard owner or licensee, and make copies thereof. Any necessary facilities for such inspection shall be extended to such representative by the stockyard owner or licensee.

Section 7. (1) The owner or operator of any stockyard shall furnish a bond payable to the department, as trustee for the farmer, for the protection of consignors to whom such owner or operator is unable to pay for livestock received. Said bond shall be in an amount equal to the sum of two average day's receipts and shall be for not less than two thousand dollars nor more than fifty thousand dollars. This Section shall not apply to posted stockyards.

(2) An average day's receipts shall be the total receipts of the previous year divided by the number of sale days. In the case of a newly established stockyard the amount of initial bond required shall be determined by the board.

(3) The required bond shall not be transferable and shall be returned upon termination of operation of the stockyard to the bondee after satisfactory settlement with all consignors of livestock is made.

Section 8. All scales used in stockyards shall be of a type registering with a balance indicator. Such scales shall be tested at least every six months by a scale agency approved by the department. Certification of such scales shall be exhibited before issuance or renewal or any stockyard license. This Section shall not apply to posted stockyards.

Section 9. (1) The owner or operator of a stockyards shall furnish a bond to the department in the sum of one thousand dollars with surety to be approved by the department, conditioned on the faithful performance by its weighmen of their duties. If any weighmaster willfully misrepresents or attempts to misrepresent the weight of any animal, the bond shall be forfeited and the proceeds paid into the State Treasury to be credited to the General Fund. This Section shall not apply to posted stockyards.

(2) All persons suffering loss imposed by the fraudulent act of such weighman may recover valid claims from said bond not to exceed the amount of bond. Payment shall be made from the General Fund of the State Treasury to which said bond was credited.

(3) It shall be unlawful for any weighman to misweigh or falsely report any weights or to otherwise fraudulently manipulate scales to produce a weight other than the true and actual weight of any livestock consigned to and sold at any stockyard.

Section 10. The department with the approval of the board, may refuse to grant, or may revoke or suspend any license issued under the provisions of this Act for any violation of the provisions of this Act or any applicable provision of KRS Chapter 257.

Section 11. All license fees and all other fees collected under this Act shall be paid into the State Treasury to the credit of a revolving fund for the use of the department in defraying the expense of enforcing the provisions of this Act and in conjunction with other funds made available for the enforcement of the provisions outlined in KRS Chapter 257.

Section 12. There hereby is appropriated for each of the fiscal years 1954-1955 and 1955-1956, to the Department of Agriculture, Labor and Statistics, the sum of fifty thousand ($50,000) dollars, to be used and expended by the department in administration of this Act.

Section 13. (1) Any person who violates any provision of Section 5 shall be fined not less than twenty-five dollars nor

more than one hundred dollars. Each failure to file the monthly report required by Section 5 shall constitute a separate offense.

(2) Any person who violates the provisions of Section 9 or who attempts by any means to induce a weighman to falsely report the weight of any animal shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one thousand dollars, or by imprisonment for not more than one year, or both.

(3) Any person who violates any provision of this Act for which no other penalty is provided, or any rule or regulation made under the authority thereof, or who refuses to pay the fees herein required, shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned for not more than three months, or both.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Will Tom Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 186. AN ACT relating to the condemnation of property for the transportation of material from a mine or quarry.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Will Tom Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 241. AN ACT relating to compensation of County Officers and Employes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Will Tom Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 287. AN ACT relating to Banks and Banking and amending KRS Sec. 287.180 and 287.070.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Will Tom Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 284. AN ACT relating to the registration and licensing of the termite and pest control industry.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. William E. Maglinger, Chairman of the Committee on Executive and Legislative Affairs, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 117. AN ACT relating to the state flower, and amending Section 2.090 of the Kentucky Revised Statutes.

Without an expression of opinion.

No motion having been made to give said bill a first reading, the report of the committee notwithstanding, it was ordered that said bill be not read the first time.

So said bill was rejected.

Mr. Lowman moved that the House recess for thirty minutes.

Thirty minutes having expired, the Speaker resumes the chair.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 197. AN ACT relating to credit unions, and amending sections 290.010, 290.080, 290.120, 290.130, 290.200, 290.220 and 290.230 of the Kentucky Revised Statutes.

H. B. No. 144. AN ACT relating to public works in cities

other than the first class, repealing subsection (4) of Section 94.316 of the Kentucky Revised Statutes.

H. B. No. 157. AN ACT changing the classification of the city of Silver Grove, in Campbell County.

S. B. No. 18. AN ACT relating to refund of ad valorem taxes and of unconstitutional taxes.

H. Res. No. 21. A JOINT RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe, Jr. of Boyle County, Kentucky, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

H. Res. No. 25. A JOINT RESOLUTION authorizing Mitchell Preston to sue the Department of Highways and the Commonwealth of Kentucky, or either.

H. Res. No. 20. A JOINT RESOLUTION authorizing Eugene Patterson of Lexington, Fayette County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways.

H. Res. No. 23. A RESOLUTION authorizing Ruby G. Wicker personal representative of Burtis Wicker, to sue the Department of Highways and the Commonwealth of Kentucky, or either of them.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 47. AN ACT relating to the Legislative Research Commission.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 7.090 is amended to read as follows:

(1) There is hereby created a Legislative Research Commission composed of the Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the majority and minority Floor Leaders of the Senate and House of Representatives. Any vacancy in the commission shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the House of Representatives then the successor shall be from the House, and if the vacancy is from the Senate membership of the commission then the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. The Governor shall be ex officio Chairman of the commission, but may, for such periods as he may determine, designate the Lieutenant Governor as a member of the commission to act as chairman in his place.

(2) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the Chairman may determine. Meetings of the commission shall be called by the Chairman on his own initiative, or at the written request of any three members of the commission. For attending meetings between sessions, whether regular or special, of the General Assembly, the members of the commission, or any subcommittee thereof, shall be paid their necessary traveling expenses, and in addition thereto the same per diem as is provided per legislative day for legislators; provided, however, the Governor shall receive no compensation for his services as a member of the commission, but the Lieutenant Governor, when serving, shall receive the same pay and expenses as a member of the commission.

(3) The commission shall appoint a director who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the commission. The salary of the director shall be determined by

the commission. The director shall select such employes as may be necessary to effectuate the provisions of KRS 7.090 to 7.110. The commission acting through its agent the director shall have exclusive jurisdiction over the employment, classification and compensation of its employes. None of the provisions of KRS 42.110, 42.120, 42.130, and 64.640 shall be applicable to any appointees or employes of the commission.

(4) The commission shall have exclusive jurisdiction over the organization of the staff and may create such divisions as it deems necessary and proper. The director shall, at the discretion of the commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the commission.

(5) The commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information, or the printing and publication of its reports.

Section 2. KRS 7.100 is amended to read as follows:

It shall be the duty of the Legislative Research Commission to:

(1) Maintain in the State Capitol for the use and information of the General Assembly, a legislative reference room and working library, collect, summarize and index information of a legislative and governmental nature relating to legislation and legislative policies and index all bills introduced in the General Assembly. Permanent office space for the Legislative Research Commission and for the director thereof and employes or subcommittees shall be provided on the third floor of the State Capitol. When the General Assembly is not in session, the commission shall have jurisdiction over the use of the House and Senate Chambers and, following completion of the renovation work on the Capitol begun in 1953, over the allocation of all rooms used by the General Assembly while in session. The commission may provide for such other office space as it may deem necessary.

(2) Make or cause to be made such investigations into

statute law, legislation, governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and economical manner. In making such studies and investigations between the regular sessions of the General Assembly, the commission shall give priority to those subjects requested by the General Assembly.

(3) Afford to any member of the General Assembly or any committee of either house of the General Assembly such information and assistance as may be practicable in the preparation of bills, memorials, resolutions, amendments, alterations and changes thereto and revisions and substitutes thereof, proposed to be introduced into the General Assembly.

(4) The commission, at the close of each legislative session, shall assume custody of all furniture, equipment, records, materials and supplies, and printed copies of bills in the possession of the Clerk of the Senate and House. Immediately prior to the convening of the next session, the commission shall transfer all furniture, equipment, materials and supplies to the Clerks of the respective houses. The commission may, when the General Assembly is not in session, authorize the expenditure of funds appropriated to the General Assembly for the purchase, repair or maintenance of furniture, equipment, materials and supplies and contract for services needed by the General Assembly.

(5) The commission shall prepare and publish or contract for the preparation and publishing of a daily index and digest of the content of and legislative action on all measures introduced in the General Assembly.

Section 3. KRS 7.110 is amended to read as follows:

(1) The commission or any member thereof, or an employe duly authorized by the commission or the Chairman thereof, shall have access to all records of every agency, division or department of State government, and of any agency or institution, public or private, which has been the recipient of public funds. The commission or any member thereof, or any employe duly authorized by the commission or the chairman thereof, may require information on oath of any person touching any matter which he is instructed to investigate, study or audit, and shall

have the power to subpoena witnesses and records for such purpose, and otherwise compel the giving of evidence of any matter under study. If any person fails or refuses to testify or furnish documentary evidence concerning any matter with respect to which the commission desires information pertaining to the studies in which it is engaged, the Franklin Circuit Court, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court or a refusal to testify therein. Every witness so subpoenaed under this section shall receive for his attendance the fee and mileage provided for witnesses in civil cases in Circuit Court, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness and approved by the commission.

(2) All State agencies and institutions shall cooperate with the commission to effectuate the purposes of KRS 7.090 to 7.110 and shall submit copies of their annual or biennial reports to the commission.

(3) The commission shall encourage and arrange conferences with officials of other states and of other units of government; carry forward the participation of this State as a member of the Council of State Governments, both regionally and nationally, and formulate proposals for cooperation between this State and other States. The Legislative Research Commission shall function as Kentucky's Commission on Interstate Cooperation in carrying out the program of the Coucil of State Governments as it relates to Kentucky.

(4) The commission shall designate persons to represent Kentucky at the National Conference of Commissioners on Uniform State Laws. The commission shall report the findings and recommendations of the National Conference to the General Assembly. Any funds appropriated to the Commissioners on Uniform State Laws shall be paid out on vouchers approved by the director of the commission.

(5) The commission may establish such subcommittees and advisory citizens' committees as may be convenient or desired for the proper and efficient performance of its functions.

Members of the General Assembly designated to serve on subcommittees shall receive the same travel allowances and compensation for attending meetings as commission members receive for attending meetings of the commission. The commission shall report its findings, either with or without recommendations, to the Governor of the Commonwealth, and to each member of the General Assembly at least 30 days prior to the convening of each regular session of the General Assembly.

Mr. moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cassius M. Clay	Addison L. Everett
John Rhea Banton	William J. Conley	Thomas P. Fitzpatrick
Clarence J. Barnum	R. Josh Cosby	Cabell D. Francis
Charles E. Baumgardner, Sr.	Vernor O. Cottengim	W. L. Hadden
Leo A. Bleemel	Charles W. Craig	Harold G. Helm
J. C. Bradley	W. Marvin Davis	David Heskamp
Charles W. Buchanan	John L. Day	Chester J. Holsclaw
	James A. Dressman, Jr.	Varna Holt
	Harold Edmonds	William M. Horn

Jennings H. Kearby	Walter R. Moorman	Cecil C. Sanders
Talmage Lacy	Eddie J. Morris	LeRoy Saylor
James W. Lambert	Thomas J. Murphy	W. R. Smith
George H. Lovelace	Goebel W. Newsom, Jr.	Mrs. Thelma L. Stovall
Harry King Lowman	Foster Ockerman	James Treadway
Ralph E. McClanahan	Louis T. Peniston	Eulick Walsh
William E. Maglinger	Edward D. Pollitte	Will Tom Wathen
William C. Mann	Paul T. Ratcliffe	Morris Weintraub
Carl D. Melton	Jack Raybourne, Jr.	Hicks Wells
Robert K. Montgomery	Hobart Rayburn	William B. Wells
	Russell Reynolds	Dr. Clyde D. Wooton

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Those who voted in the negative were—

J. Murray Blue	Lon C. Hill	E. H. Stumbo
Paul Cobb	William J. Marcum	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lovelace moved that H. B. No. 117, which was reported by the Committee on Executive and Legislative Affairs without an expression of opinion, be given its first reading and placed in the Calendar, notwithstanding the report of the Committee to the contrary.

Said bill is as follows, viz:

H. B. No. 117. AN ACT relating to the state flower, and amending Section 2.090 of the Kentucky Revised Statutes.

A roll call having been demanded on said motion was as follows, viz:

Those who voted in the affirmative were—

John Rhea Banton	Owen Billington	J. Murray Blue
Wallace Bartley	Leo A. Bleemel	J. C. Bradley

Edward T. Breathitt, Jr.
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
James A. Dressman, Jr.
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
William C. Mann
William J. Marcum
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Eddie J. Morris
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Jack Raybourne, Jr.
Robert Reid
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
E. H. Stumbo
James Treadway
Morris Weintraub
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
Walker H. Wiseman
Dr. Clyde D. Wooton

—57

Those who voted in the negative were—

Charles E. Baumgardner, Sr.
Paul Cobb
Harold Edmonds
Cabell D. Francis
Harold G. Helm
Walter R. Moorman
Foster Ockerman
Paul T. Ratcliffe
L. M. Tipton Reed
Mrs. Thelma L. Stovall
Paul E. Young

—11

Said motion was agreed to and the said bill was read at length for the first time and

Ordered placed in the Calendar.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 59. AN ACT relating to the examination of witnesses in civil actions.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (8) of Section 421.210 of the Kentucky Revised Statutes is amended to read as follows:

(8) A party, or any person who is or has been an officer, agent or employe of a corporation which is a party, may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony. The examination, authorized herein, of a person who is or has been an officer, agent or employe of a corporation shall be confined to events occurring during the existence of his occupational relationship with the corporation, and proof of such relationship shall constitute prima facie evidence that the officer, agent or employe was authorized to speak and act for and on behalf of the corporation during the existence of the occupational relationship.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to he third reading at length of said bill be dispensed with, and ame be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third eading at length of said bill having been dispensed with, said bill vas read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Paul T. Ratcliffe
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
Morris Weintraub
Hicks Wells
Mrs. Randolph Wilson
Dr. Clyde D. Wooton
Paul E. Young

—66

There voted in the negative—

Foster Ockerman

—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Moorman moved that the House adjourn until 8:00 P. M. Monday, February 15, 1954.

Mr. Lowman moved to amend the motion to adjourn to meet again at 3:00 P. M. Monday, February 15, 1954.

The vote having been taken by division, the result was 45 ayes and 21 nos.

Mr. Weintraub rose to a point of order.

Mr. Weintraub stated that under the rules of the House the time of convening is 8:00 P. M. on Monday. Therefore, in order to change the time of convening on Monday, it would require a majority of the elected membership to carry said motion.

Thereupon the Speaker declared the point of order well taken, and the motion was lost.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 172. AN ACT relating to special judges and amending Sections 23.220 and 23.230 of the Kentucky Revised Statutes, and repealing Sections 23.240 and 23.250 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 23.220 of the Kentucky Revised Statutes is amended to read as follows:

The regular circuit judges may act as special judges of the circuit courts. The commission issued to each regular circuit judge shall have the effect of commissioning him a special judge of the Commonwealth with jurisdiction coextensive with the state, and the judge shall remain such as long as he continues to hold office under his commission as regular judge.

Section 2. Section 23.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) When, from any cause, a judge of any circuit court, whether of continuous session or terms, fails to attend, or being in attendance cannot properly preside in an action pending in the court, or if a vacancy occurs or exists in the office of circuit

judge, or if either party files with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may elect one of the attorneys of the court to preside on the trial or hear the application, or hold the court for the occasion. If any party to the action is a nonresident defendant, who has not entered his appearance nor been summoned, or is an infant defendant, the attorney appointed to defend for such nonresident or the guardian ad litem for such infant may agree with the other parties to the action upon an attorney having all the qualifications of a circuit judge to try the action. Any special judge so selected shall have all the powers and be subject to all the responsibilities of the regular judge of the court.

(2) If the parties cannot agree upon an attorney as provided in subsection (1) of this section or if the regular judge determines that sufficient time is not available in which to ascertain if the parties can agree upon a member of the bar to act as judge, as provided in subsection (1) of this section, or if he determines that it is impracticable to attempt to obtain agreement because of the large number of parties to the action to be tried, or for any reason, the clerk shall at once certify the facts to the Chief Justice of the Court of Appeals, who shall immediately designate a regular circuit judge, if one be available, and, if not, an attorney having the qualifications of a judge, to hold the court or try the action.

Section 3. Nothing in this act shall have the effect of repealing or amending the provisions of KRS 24.150 and 24.240.

Section 4. Section 23.240 of the Kentucky Revised Statutes is hereby repealed.

Section 5. Section 23.250 of the Kentucky Revised Statutes is hereby repealed.

Mr. Breathitt moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Breathitt moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
George F. Harris
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
Morris Weintraub
William B. Wells
Warren D. Williams
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—65

There voted in the negative—

Harold G. Helm —1

Resolved that the title thereof be as aforesaid.

Mr. Breathitt moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 141. AN ACT relating to the appointment of deputy coroners, the holding of inquests, and amending Section 72.040 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 72.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the coroner is in the county and able to attend to his duties no person other than the coroner shall hold an inquest except a deputy coroner authorized by him to act as coroner. The coroner may appoint a maximum of two deputy coroners at no additional expense to the county or city, who may hold inquests and act as coroner in the absence of the coroner or at any time authorized by the coroner.

(2) Every deputy coroner shall execute bond with sureties approved by the county judge in the same manner as provided for coroners in KRS 72.010.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Harry M. Caudill
Cassius M. Clay
William J. Conley
W. Marvin Davis
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
Eulick Walsh
Will Tom Wathen
Morris Weintraub
Hicks Wells
William B. Wells
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—65

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Moorman moved that the House adjourn until 8:00 P. M. Monday, February 15, 1954.

Mr. Lowman moved to amend the motion to adjourn to meet again at 3:00 P. M. Monday, February 15, 1954.

Mr. Lowman and Mr. Edmonds demanded a roll call which is as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
Morris Weintraub
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were –

Wallace Bartley	Carl D. Melton	Edward D. Pollitte

–3

The roll call having resulted in 61 ayes and 3 nos, the amendment to the motion was adopted.

By voice vote, the motion as amended was agreed to.

And the House did then adjourn.

MONDAY, FEBRUARY 15, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Robert J. Laughlin, Pastor of the First Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Paul Cobb	Lon C. Hill
Walter J. Bailey	William J. Conley	Estill R. Hilton
John Rhea Banton	R. Josh Cosby	Chester J. Holsclaw
Clarence J. Barnum	Charles W. Craig	Varna Holt
Charles E. Baumgardner, Sr.	W. Marvin Davis	William M. Horn
Owen Billington	John L. Day	William L. Jones
Leo A. Bleemel	Albert Dempsey	Jennings H. Kearby
J. Murray Blue	C. E. Dowell	Talmage Lacy
J. C. Bradley	O. O. Duncan	James W. Lambert
Edward T. Breathitt, Jr.	Harold Edmonds	George H. Lovelace
Edward O. Bridgers	Herbert Fern	Harry King Lowman
John Young Brown	Thomas P. Fitzpatrick	Shelby McCallum
Charles W. Buchanan	W. L. Hadden	Ralph E. McClanahan
Harry M. Caudill	C. Ruby Harralson	Caleb McFadden
Cassius M. Clay	George F. Harris	William E. Maglinger
	Harold G. Helm	Damon Majors
	David Heskamp	William C. Mann
	Henry R. Heyburn	

William J. Marcum	Paul T. Ratcliffe	Will Tom Wathen
George R. Martin	Jack Raybourne, Jr.	W. W. Webster
Alton B. Mitchell	L. M. Tipton Reed	Hicks Wells
Tom Mobley	Robert Reid	William B. Wells
Robert K. Montgomery	Russell Reynolds	Warren D. Williams
	Lloyd E. Rogers	Mrs. Randolph Wilson
Walter R. Moorman	William A. Routh	
Eddie J. Morris	Cecil C. Sanders	Charles W. Wirsch
Thomas J. Murphy	LeRoy Saylor	Walker H. Wiseman
Goebel W. Newsom, Jr.	Mrs. Thelma L. Stovall	Dr. Clyde D. Wooton
		Paul E. Young
Foster Ockerman	E. H. Stumbo	Charles W. Burnley, Speaker
Louis T. Peniston	James Treadway	
Edward D. Pollitte	Eulick Walsh	—86

Mr. Lowman moved that the reading of the Journal of the proceedings of Thursday, February 11, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted all absent members.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Day.

H. B. No. 295. AN ACT providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to same as provided by Section 258 of the present Constitution of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided by Section 258 of the present Constitution of Kentucky.

Section 2. When this Act is passed at the present session of the General Assembly by a majority of all members elected to each house of the present General Assembly, that is when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective Journals, this Act shall be spread upon the respective Journals of each house as a law.

Section 3. If the next session of the General Assembly shall, in like manner concur in this Act after it becomes a law as herein provided, it shall provide for having a poll opened in each voting precinct in this state by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and place the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes for the calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise or amend the present Constitution of this State, and such amendments as may have been made thereto.

Section 4. That before any constitution agreed upon by said convention shall take effect or become operative, the same shall be submitted to the qualified voters of this Commonwealth,

after at least ninety days' notice, and ratified by a majority of those voting.

By Mr. Lowman.

H. B. No. 296. AN ACT relating to the Youth Authority, and amending Sections 208.570 and 208.580 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 208.570 of the Kentucky Revised Statutes is amended to read as follows:

The director of the Youth Authority shall be the executive officer of the authority and shall be responsible for the administration of the functions of the authority, in accordance with policies established by the Commissioner of Welfare. The director shall serve as secretary of the Youth Authority Board. Administrative personnel of the authority shall be appointed by the director.

Section 2. Section 208.580 of the Kentucky Revised Statutes is amended to read as follows:

The governing board of the Youth Authority shall serve in an advisory capacity and shall recommend policies for carrying out the functions of the authority to the Commissioner of Welfare and to the director of the Youth Authority. The Commissioner of Welfare shall revise the policies of the Youth Authority in accordance with the recommendations of the board, and the disposition of children committed to the Youth Authority shall be in accordance with the policies so established. At least once each year the board shall review the case of each child committed to the authority, so long as the child remains under the jurisdiction of the authority.

By Mr. Lowman.

H. B. No. 297. AN ACT relating to public improvements, amending KRS 94.297.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 94.297 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 94.298 and 94.299, the city legislative body, in the original ordinance providing for the making of any public improvement, shall provide that the improvement be made at the exclusive cost of the owners of benefited property, as defined in KRS 94.301, or shall have the alternative of providing that the city shall pay a specified part of the cost and the owners of benefited property shall pay the balance.

(2) Benefited property owned by the county or any other governmental agency or unit, except a school district, shall be assessed the same as private property, and the amount of the assessment shall be paid by the county or other governmental agency or unit, as the case may be. The same right of action for collection of the assessment shall lie against the county as is provided against any other abutting property owner.

By Mr. Lowman.

H. B. No. 298. AN ACT relating to the Department of Finance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 42.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Finance shall be headed by a Commissioner of Finance and shall be divided for administrative purposes into a Division of the Budget, a Division of Accounts, a Division of Purchases, a Division of Personnel, and a Division of Services.

(2) The Commissioner of Finance shall be the chief financial officer of the state and the advisor of the Governor and the General Assembly in financial matters, and shall at all times

protect the financial interests of the state. He shall be responsible to the Governor for the administration of the department.

(3) The Commissioner of Finance may designate a deputy commissioner of finance who shall have such administrative authority to sign for the commissioner as the commissioner designates in writing. The deputy commissioner may be a director of one of the divisions of the Department of Finance.

Section 2. Section 42.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Accounts shall be headed by a controller, preferably a certified public accountant, who has had substantial experience during the preceding four years in Federal, state or local accounting or auditing.

(2) The Division of Accounts shall perform such record-keeping functions as the Commissioner of Finance directs. In general, the functions outlined in KRS 45.300 and 45.320 shall be performed by this division, but the division shall maintain such additional records and prepare such additional reports as the Commissioner of Finance requires.

Section 3. Section 42.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Purchases shall be headed by a purchasing agent, who has had four years of responsible experience in purchasing or equivalent experience.

(2) The Division of Purchases, under the direction of the Commissioner of Finance, shall purchase for the combined requirements of all spending agencies of the state all supplies, materials, and equipment, except library books and scientific equipment, or shall control or delegate the purchase thereof. The division shall have supervision over all purchases by the various spending agencies, except as otherwise provided by law, and may prescribe rules to govern purchasing by or for all such agencies, subject to the approval of the Commissioner of Finance; and no purchase or contract shall be binding on the state or any agency thereof unless approved by the division or made under general regulations which the Department of Finance may prescribe. The division shall maintain perpetual inventories of

plant and equipment. It shall have power, with the approval of the Commissioner of Finance, to transfer between departments, to salvage, to exchange, and to condemn supplies and equipment. It shall sell all property (including real estate) of the state determined, with the approval of the Commissioner of Finance and the Governor, not to be needed for public use or to have become unsuitable for such use. All deeds covering the sale of real estate shall be executed and signed by the Commissioner of Finance and approved and signed by the Governor. It shall purchase all property (including real estate) determined to be needed for state use, upon the approval of the Commissioner of Finance and the Governor as to the determination of need and as to the action of purchase. Nothing in this provision shall affect the power now vested by existing law for the purchase of real estate by state agencies or divisions thereof. It shall fix standards of quality and quantity, and shall develop standard specifications in consultation with the several spending agencies of the state. It shall maintain records of supplies for various classes of purchases, unit costs under contracts, trends of prices and costs, and other matters incident to performance of its functions as the Commissioner of Finance directs. It shall attempt in every practicable way to insure the state's supplying its real needs at the lowest possible cost.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

The Division of Services, under the direction of the Commissioner of Finance, shall:

(1) be responsible for the custody, management, operational maintenance and operation of all buildings and grounds owned or leased for the use of state departments and agencies located at the seat of state government, except buildings and grounds maintained for the exclusive use of any one agency. This includes authority to employ guards and night watchmen, who shall have the powers of peace officers to enforce KRS 433.500. It may, by agreement with any other department or agency of state government responsible for the operation and maintenance of buildings and grounds, provide custodial and maintenance services and may for rendering such services charge the reasonable costs thereof.

(2) operate a mail and messenger service for all departments and agencies located at the seat of state government and shall handle all postage for such departments and agencies, so far as practicable, by postage meter, and may maintain a central supply service to supply supplies and equipment for all state agencies.

(3) provide such duplicating, plate making and minor printing services to other state agencies as can practicably and economically be rendered by means of available types of office equipment.

(4) perform such other duties and functions for which the Department of Finance is responsible as shall be delegated and assigned to the division by the Commissioner of Finance.

Section 5. Section 42.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any officer, agent or employee of the Department of Finance who willfully fails or refuses to comply with any of the provisions of KRS 42.160 shall be subject to indictment in the Franklin Circuit Court and, upon conviction, shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each offense.

(2) Any violation of KRS 42.070 shall be punished by a fine of not more than five thousand dollars ($5,000.00) or by a prison sentence of not more than five years (5), or by both fine and imprisonment in the discretion of the jury.

(3) Any employee of the Division of Purchases, or any official of the Commonwealth of Kentucky, elective or appointive, who shall take, receive, or offer to take or receive, either directly or indirectly, any rebate, percentage of contract, money, or other thing of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, for, or to, or from, any person, partnership, firm, or corporation, offering, bidding for, or in open market seeking to make sales to the Commonwealth of Kentucky, shall be deemed guilty of a felony and upon conviction such person or persons shall be punished by a fine not to exceed five thousand dollars ($5,000.00) or by imprisonment in the penitentiary for not more

than ten years, or both so fined and imprisoned in the discretion of the jury.

(4) Every person, firm, or corporation offering to make, or pay, or give, any rebate, percentage of contract, money or any other thing of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, to any employee of the Division of Purchases or to any official of the Commonwealth, elective or appointive, in his efforts to bid for, or offer for sale, or to seek in the open market, shall be deemed guilty of a felony and shall be punished by a fine not to exceed five thousand dollars ($5,000.00) or by imprisonment in the penitentiary for not more than ten years (10), or both so fined and imprisoned in the discretion of the jury.

(5) Provided, however, that nothing in subsections (3) or (4) of this section shall prevent any public official from pursuing the occupation in which he was engaged at the time of his appointment or election even though the pursuit thereof should include the legitimate solicitation of business from the Commonwealth of Kentucky, either for a salary or a commission.

By Mr. Lowman.

H. B. No. 299. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter, unless the context requires otherwise:

(1) The term "person" means any individual, firm, partnership, corporation, company, association or joint stock association, and includes any trustee, assignee, or personal representative thereof.

(2) The term "department" means the Department of Motor Transportation.

(3) The term "certificate" means a certificate of public convenience and necessity issued under this Chapter to common carriers by motor vehicle authorizing their operation thereunder.

(4) The term "permit" means a permit issued under this Chapter to contract carriers by motor vehicle and to persons engaging in the business of U-Drive-It.

(5) The term "state" means the Commonwealth of Kentucky.

(6) The term "interstate commerce" means commerce between any place in a state and any place in another state.

(7) The term "intrastate commerce" means commerce between any place in this state and any other place in this state.

(8) The term "highway" means all public roads, highways, streets and ways in this state, whether within a municipality or outside of a municipality.

(9) The term "city" means a municipality incorporated under the laws of this state.

(10) The term "motor vehicle" means any motor propelled vehicle used for the transportation of persons or property for hire on a public highway, including any such vehicle operated as a unit in combination with other vehicles, and including vehicles propelled by electric power obtained from overhead wires whether operating over rails or otherwise.

(11) The term "common carrier by motor vehicle" means any person who holds himself out to the general public to engage in the transportation by motor vehicle of persons or property in intrastate or interstate commerce over regular routes, except that persons holding irregular route common carrier authority granted by the Interstate Commerce Commission, taxicabs, and local cartage vehicles are not required to move over regular routes.

(12) The term "contract carrier by motor vehicle" means any person who, under individual contracts of agreements, engages in the transportation, other than transportation referred to in subsection (11) of this section, by motor vehicle or passengers or property in interstate or intrastate commerce.

(13) The term "carrier" or "motor carrier" means any person who owns, controls, operates, manages, or leases, except persons leasing to authorized carriers, any motor vehicle for the transportation of persons or property for hire upon any highway, and any person who engages in the business of U-Drive-It. It shall include common and contract carriers by motor vehicle, city and suburban buses, driveaways and U-Drive-Its.

(14) (a) A "city bus certificate" means a certificate granting authority only for the operation of motor vehicles transporting passengers for hire between points within the corporate limits of a city and over regular routes.

(b) A "city bus" is a motor vehicle operated under one or more city bus certificates.

(c) The term "city bus license" means a license plate issued for a bus authorizing its operation under one or more city bus certificates or a combination of city bus certificates and suburban bus certificates.

(15) (a) A "suburban bus certificate" means a certificate granting authority only for the operation of motor vehicles carrying passengers for hire within the confines of either one or more cities and their suburban area, or a suburban area, over regular routes but not granting authority to engage in intracity transportation.

(b) A "suburban bus" is a motor vehicle operated under one or more suburban bus certificates.

(c) The term "suburban bus license" means a license plate issued for a bus authorizing its operation under one or more suburban bus certificates.

(16) "Suburban area" means territory wholly within the state of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the suburban area of each such contiguous or adjoining municipality;

provided, however, the department may, from time to time, upon a showing as hereinafter provided, authorize and permit the holder of a suburban bus certificate to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a suburban bus certificate.

(17) "Commercial area" means territory wholly within the state of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the commercial area of each such contiguous or adjoining municipality; provided, however, the department, may, from time to time, upon a showing, as hereinafter provided, authorize and permit the holder of a certificate authorizing the transportation of property to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a certificate authorizing the transportation of property.

(18) The term "U-Drive-It" means any person who leases or rents a motor vehicle for a consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee.

(19) (a) The term "taxicab certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for hire, the principal operation of which is confined to the corporate limits of one city and its suburban area, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of such transportation.

(b) A "taxicab" is a motor vehicle operated under one or more taxicab certificates, and is a vehicle designed or constructed to transport not more than six passengers exclusive of the driver.

(c) The term "taxicab license" means a license plate issued to a taxicab authorized to operate under a taxicab certificate.

(20) (a) The term "local cartage certificate" means a certificate granting authority only for the operation of motor vehicles exclusively engaged in the transportation of property for hire between points within a city or within a city and its commercial area. It shall not include the pick-up or delivery service rendered by the holder of any other type of certificate issued by the department.

(b) A "local cartage vehicle" is a motor vehicle operated under a local cartage certificate.

(21) (a) An "airport limousine certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting passengers or baggage for hire over regular routes between points within a city or its suburban area and an airport.

(b) An "airport limousine" is a motor vehicle operated under one or more airport limousine certificates.

(c) The term "airport limousine license" means a license plate issued for a motor vehicle authorizing its operation under one or more airport limousine certificates.

(22) (a) An "industrial bus certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting employes of a given industry or industries for hire to and from their place of employment.

(b) An "industrial bus" is a motor vehicle operated under an industrial bus certificate.

(c) The term "industrial bus license" means a license plate issued for a bus authorizing its operation under an industrial bus certificate.

(23) The term "exempted commodities" means such commodities that are normally and usually not transported by common carriers by motor vehicle.

(24) The term "driver" or "chauffeur" means the person physically operating the motor vehicle.

(25) The term "regular seat" means a seat ordinarily and customarily used by one passenger and in determining such seating capacity the manufacturer's rating may be considered.

(26) The term "driveaway" means the transporting and delivering of motor vehicles under their own power or by means of a full mount method, the saddle mount method, the tow bar method or any combination of them, over the highways of this state from any point of origin to any point of destination for hire.

(27) The term "wrecker" means a motor vehicle designed or constructed for the hauling or towing of wrecked or disabled motor vehicles when employed for that purpose and where such hauling or towing is not an incident to the primary activity of repair or reconstruction of the wrecked or disabled vehicles.

Section 2. Section 281.605 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of this Chapter shall not apply, except as to the safety regulations, to:

(a) Motor vehicles used as school buses and while engaged in the transportation of students, under the supervision and control and at the direction of school authorities;

(b) Motor vehicles, regardless of ownership, used exclusively:

1. For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

2. For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

3. For both the purposes described in sub-paragraphs (1) and (2) of this paragraph; or

4. For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return.

(c) Motor vehicles used exclusively as church buses and while operated in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control and at the direction of church authorities;

(d) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highway, road or street in this state.

(e) Motor vehicles used exclusively for the transportation of property for hire and operated exclusively within a city or within a city and its commercial area; provided, however, that no such motor vehicle shall be entitled to this exemption of license taxes unless it is operated under the authority of one of the various types of certificates issued by the department.

(f) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association;

(g) Motor vehicles owned in whole or in part by any person

and used by such person to transport petroleum products and those incidental supplies used or sold in connection with the wholesale or retail sale of such petroleum products of which petroleum products or incidental supplies, such person is the owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent or bailment, and is an incidental adjunct to an established private business owned and operated by such person in the furtherance of any commercial enterprise other than the business of transportation of property for hire;

Section 3. Section 281.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every applicant for a certificate or permit or for amendment or transfer or sale or change in route or abandonment of a certificate or permit shall apply for same to the department in such form and the application shall contain such matters as the department may prescribe.

(2) For the filing of such application the department shall receive a fee of twenty-five dollars.

Section 4. Section 281.625 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the filing of an application for a certificate or permit or for amendment or for sale, transfer or lease or for change in route or for abandonment of a certificate or permit, the department shall, within a reasonable time, fix the time and place for a hearing. At least thirty days before the hearing, the department shall mail written notice of the hearing, and of the right to file a protest, in accordance with the regulations of the department, to the applicant and every authorized carrier, including railroads, serving any part of the route proposed to be served or abandoned by the applicant. The department may also give similar notice to any other person, who, in the opinion of the department, may be interested in or affected by the granting of the application.

(2) At the time fixed in the notice the department shall hold a public hearing on the application. Any person having interest in the subject matter may, in accordance with the regu-

lations prescribed therefor, file a protest to the granting, in whole or in part, of the application.

(3) The department, may, if the application is solely for rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.

(4) Persons engaged in the transportation in interstate commerce in Kentucky of any commodity exempted by the Interstate Commerce Commission from regulation shall be subject to the same Kentucky requirements and regulations as if such persons were transporting commodities not exempted by the Interstate Commerce Commission, except that in lieu of filing or registering with the department a certificate of public convenience and necessity as issued by the Interstate Commerce Commission, such persons shall apply to the department for a permit or certificate restricted to interstate commerce and such a permit or certificate may be issued without a hearing.

(5) If such applicant has been granted an irregular route common carrier certificate by the Interstate Commerce Commission, the department may grant an irregular route common carrier certificate restricted to operation in interstate commerce, and on the granting of same, it shall notify the Department of Revenue of the applicant's operation.

(6) The department shall have the power to designate certain commodities as exempted commodities as defined in KRS 281.010, and may grant a permit, upon application, to transport only such exempted commodities without the holding of a hearing; and the department shall also have the power to remove any commodity so designated at any time without a hearing.

(7) The department may grant a permit, upon application, to operate a U-Drive-It as defined by KRS 281.010, without the holding of a hearing.

Section 5. Section 281.645 of the Kentucky Revised Statutes is amended to read as follows:

(1) When any application for a certificate or permit, or for an amendment thereto has been heard and denied, the department shall not accept another application concerning the same or similar routes or service until the expiration of six months

from the date of the denial unless the denial was based upon the applicant's failing to show that he was fit, willing and able.

(2) In the event that at the time of denial, unless the denial was based upon the applicant's failing to show that he was fit, willing and able, there is on file with the department any other application concerning the same or similar routes or service as that denied, the department shall take no further action upon such application for a period of six months from the date of denial unless the hearing relative to such application has been concluded prior to the denial.

(3) In no event shall the provisions of subsection (1) and (2) hereof be construed to apply to any application which the commissioner has by order dismissed without prejudice.

Section 6. Section 281.665 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any bona fide motor carrier or its successor operating city buses as of December 31, 1949, under a valid certificate, franchise, statute, authorization, or in bona fide operation on said date, shall be entitled to such certificate or certificates and of such type or types as are defined in this Chapter that cover their operations as of December 31, 1949.

(2) Any holder of any other type of valid certificate or permit issued prior to June 15, 1950, shall be entitled, upon renewal, to such certificates or permits, as the case may be, that will grant the holder thereof the same authority that the certificates or permits held on June 15, 1950, granted.

(3) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were imposed on such certificate or permit, and if the validity of any certificate or permit issued by the Division of Motor Transportation was in litigation on December 31, 1949, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

(4) Any person engaged, as of December 31, 1953, in the operation of a local cartage business as defined by KRS 281.010 (20), shall, upon application before January 1, 1956, and upon the approval of the department, be entitled to such certificate or certificates of such type or types as defined in this Chapter to

cover their local cartage operations as of December 31, 1953. In the event the department does not approve such application, the applicant shall be entitled to a hearing.

(5) Any person engaged, as of December 31, 1953, in the operation of an airport limousine business as defined in KRS 281.010 (21), may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this Chapter to cover their airport limousine operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights hereunder.

(6) Any person engaged, as of December 31, 1953, in the operation of a U-Drive-It business as defined in KRS 281.010 (18), may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this Chapter to cover their U-Drive-It operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights thereunder.

(7) Whenever the department, in the exercise of its powers pursuant to KRS 281.625, shall cease to designate any given commodity or commodities as an exempted commodity, any motor carrier operating as of the date of the department's action pursuant to a permit authorizing the transportation of such commodity or commodities, may be entitled to such authority as will thereafter authorize continuation of the same operation which was being conducted at the time of the department's action in removing the item or items.

(8) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were formerly imposed on such certificates or permits and if the validity of any certificate or permit issued by the department was or is in litigation at the time of its grandfathering date, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

Section 7. Section 281.670 of the Kentucky Revised Statutes is hereby amended to read as follows:

Whenever any motor carrier is found to be violating any of

the provisions of this Chapter, or any order or rule and regulation prescribed by the department pursuant thereto, or any of the laws of this state, or is found to be permitting any of its drivers or vehicles to violate any of the provisions of this Chapter, or any order, or rule and regulation prescribed by the department pursuant thereto, or any of the laws of this state or is found to be unfit to carry out the duties, obligations and responsibilities of a motor carrier, the department may, upon complaint or upon its own motion, issue its order to such motor carrier notifying it to appear before the department at a fixed time and place, at which time and place the department shall have a hearing. If the department is satisfied, after a hearing, that the motor carrier has violated or refused to observe any of the provisions of this Chapter, or any order, or rule or regulation of the department, or any of the laws of this state, or has permitted any of its drivers or motor vehicles to violate any of the provisions of this Chapter or any order, or rule or regulation prescribed by the department pursuant thereto, or any of the laws of this state, or has become unfit to carry out the duties, obligations and responsibilities of a motor carrier, the department may suspend, revoke, alter or amend any certificate or permit issued to such carrier. The renewal by the department of the certificate or permit of any motor carrier shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the motor carrier therefor.

Section 8. Section 281.690 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) No common carrier shall make any change in any rate that has been duly established under this Chapter except after thirty days' notice to the department, which notice shall state plainly the changes proposed to be made and the proposed effective date of such change. The carrier shall also give notice of the proposed change to other interested persons in such manner as the department directs in its rules and regulations. All proposed changes shall be shown by filing new tariffs in the form and manner prescribed by the department. The department may, in accordance with regulations prescribed therefor, upon the showing of good cause, provide for the allowance of a

change in rates by holders of certificates authorizing only transportation of property upon notice less than that herein specified.

(2) Whenever any tariff setting forth a change in rates is filed, the department may, upon its own initiative, and shall, upon protest filed in accordance with the regulations of the department, enter upon a hearing concerning the lawfulness of the proposed rate. At least thirty days before the hearing the department shall mail written notice of the hearing to the applicant, the protestant and to any other person who, in the opinion of the department, may be interested in or affected by the proposed change in rate. The department may suspend the operation of the new rates for a period of not more than six months from the proposed effective date by order, giving reasons therefor. If after the hearing the department finds the proposed rate, or any part thereof, to be unjust, unreasonable, or unjustly discriminatory, or in violation of law, the department shall determine the just and reasonable rate to be charged and shall fix the same by order.

(3) No contract carrier shall make any change in its contract filed with the department except upon the approval of the department.

Section 9. Section 281.780 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) An appeal to the Franklin Circuit Court may be taken from any final order of the department by anyone who was a party to the proceedings before it.

(2) In the case of an appeal wherein a certificate or permit has been issued or amended or revoked or suspended, the certificate or permit or its amendment shall remain in force until final disposition of the appeal.

(3) An appeal may be taken by filing a petition of appeal with the Clerk of the Franklin Circuit Court within twenty days after the rendition of the final order of the department. The petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The appellant shall furnish a copy of the petition to each person who was a party to the hearing before the department. Summons

shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service of summons. The department shall, upon being served with the summons, and within thirty days thereafter, file a copy of the record, duly certified by the commissioner, the cost of such record to be taxed as costs upon appeal. In lieu of filing of such record, an abstract thereof may be filed if agreed to by all parties to the hearing.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

The department may prescribe appropriate and reasonable regulations with regard to the rendition of charter bus service by the holders of certificates, other than by holders of taxicab or industrial bus certificates, authorizing the transportation of persons, as will provide, insure and maintain, safe, adequate, economic, and efficient charter bus service.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

Every certificate exclusively authorizing the transportation of property, except local cartage certificates, shall be so construed as to authorize the holder thereof to serve the commercial area of any point or points authorized to be served by the certificate; provided, however, that nothing herein shall be construed to obviate or remove any specific restriction or limitation presently existing in any such certificate, and such limitation or restriction shall remain in full effect.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

Upon the cancellation of any bond or insurance policy required by KRS 281.655, all operating rights granted by the certificate or permit for which said bond or insurance policy was filed shall immediately abate; provided, however, that if the bond or insurance policy is reinstated within thirty days from the date of cancellation the operating rights granted by the certificate or permit shall again be in force and effect, otherwise they shall become void. Upon the event of the cancellation of any bond or insurance policy or upon the event of any order of

the department cancelling or suspending the operating rights granted by any certificate or permit the department is empowered to immediately require the cessation of all operations conducted under authority of the affected certificate or permit, and to require, through its agents, the surrender of all certificates, permits, licenses, and other evidence of right to act as a motor carrier.

By Mr. Wathen.

H. B. No. 300. AN ACT to amend an act relating to temporary permits and temporary licenses for student drivers. Amending Section 186.450 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. *Instruction permits and temporary licenses.*

(1) Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain an operator's license may apply for an instruction permit which shall entitle the applicant while having such permit in his immediate possession and while accompanied by a licensed operator, to drive a motor vehicle upon the highways for not more than sixty days. The fee for this license shall be fifty cents, twenty-five cents of which shall be retained by the circuit clerk and twenty-five cents forwarded to the Department.

(2) The Department may in its discretion issue a restricted instruction permit effective for a specified period not to exceed one year to an applicant who is fourteen years of age or older which shall be valid only if,

(a) The permittee is enrolled in a driver training program approved by the Department and an approved instructor is occupying a seat beside the permittee, or

(b) The permittee is accompanied by his parent or legal guardian who is a licensed and qualified driver and such person is occupying a seat beside the permittee.

The fee for this license shall be one dollar ($1.00).

By Mr. Wathen.

H. B. No. 301. AN ACT relating to criminal identification and statistics and creating a bureau of criminal identification and statistics within the Department of Kentucky State Police; amending Section 16.010 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 16.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "Department" shall mean the Department of Kentucky State Police;

(2) "Commissioner" shall mean the Commissioner or Commanding Officer of the Kentucky State Police;

(3) "Officer" shall mean any member of the Kentucky State Police who possesses the powers of a peace officer;

(4) "Civilian" shall mean such experts, statisticians, clerks, and other assistants who do not possess the powers of a peace officer;

(5) "Board" shall mean the State Police Personnel Board;

(6) "Bureau" shall mean the Bureau of Criminal Identification and Statistics.

Section 2. A Bureau of Criminal Identification and Statistics is established in the Department of Kentucky State Police.

Section 3. The commissioner shall designate an officer as director of the bureau. The director shall have identification and statistical training and experience, and possess a knowledge of criminal law enforcement and administration, and of penal and correctional institutions and methods. The commissioner shall furnish the director with the necessary facilities and equipment, and shall provide clerical help necessary for the work of the bureau.

Section 4. The commissioner may promulgate rules and regulations necessary for gathering data and statistics required under the Act.

Section 5. The director of the bureau shall:

(1) Collect data, necessary for the work of the bureau, from all public officers and public or private agencies dealing with criminals or delinquents.

(2) Prepare or approve forms to be used in reporting data to the bureau. The forms shall provide for items of information needed by the Federal Bureau of Investigation and other federal bureaus or departments engaged in the development of national criminal statistics.

(3) Prescribe the form and content of records to be kept by public officers and public or private agencies dealing with criminals or delinquents to insure the correct reporting of data to the bureau.

(4) Instruct public officers and public or private agencies previously referred to, in the installation, maintenance, and use of such records, and in the manner of reporting to the bureau.

(5) Supply statistical data upon request, to federal bureaus or departments engaged in collecting criminal statistics.

(6) Establish, equip and maintain a criminal identification section for the purpose of receiving and filing fingerprints, photographs and other records pertaining to the investigation of crime and the apprehension of criminals.

Section 6. Every public officer or public or private agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the commissioner shall:

(1) Install and maintain records needed for reporting data required by the bureau;

(2) Give the commissioner or his accredited agent access to criminal records for purpose of inspection;

(3) Cooperate with the commissioner to the end that his duties may be properly performed.

Section 7. (1) All peace officers shall take or cause to be taken the fingerprints and descriptions of all persons arrested or detained by them, when such person is charged with an offense of which the penalty is death or confinement in a penal or correctional institution, or when they have reason to believe such person is a fugitive from justice, or an habitual criminal, or where deemed necessary for purposes of subsequent identification, and shall forward the same to the department on forms approved by that department. All such officers shall submit to the department a report of the outcome of any trial of such persons before court, or of any trial in which the outcome thereof has not been previously furnished to said department. Such report shall be made on forms furnished or approved by the department.

(2) Any person fingerprinted in accordance with the provisions of this Act, but acquitted of the charge upon which he was arrested or detained, may, upon the presentation of satisfactory proof to the department, have such fingerprints returned to him.

(3) Persons in charge of penal or correctional institutions in this state shall take, or cause to be taken, the fingerprints and description of all persons lawfully committed thereto or confined therein and forward such information to the department on forms furnished or approved by the department.

Section 8. The department shall notify the arresting officer if it is determined by a comparison of fingerprints that any person has a previous criminal record, or is a fugitive from justice. The department shall cooperate with all state, county and city law enforcement officials of this State, and with identification bureaus of other states and of the United States, to develop and carry on a complete interstate, national and international system of criminal identification. The department may furnish copies of the fingerprints of persons arrested in this state to the identification bureau of the Federal Bureau of Investigation of the United States and to other states for the purpose of ascertaining if such persons have been previously arrested or convicted of crime.

Section 9. The commissioner shall file a complaint in the

circuit court of Franklin County against any public officer who is derelict in any of the duties required by this Act. The judge of the circuit court shall hold an immediate hearing regarding the complaint. If the judge finds, as a result of the hearing, that the public officer has been derelict in the performance of the duties required of him by this Act, he shall order the proper disbursing officer not to issue a salary voucher to the officer until such dereliction has been corrected.

Section 10. (1) The commissioner shall annually present to the Governor, on or before July 1, a printed report containing the criminal statistics of the preceding calendar year and shall present at such other times, as he may deem wise, or as the Governor may request, reports on special aspects of criminal statistics.

(2) The annual report of the commissioner shall contain statistics showing:

(a) The number and the types of offense known to the public authorities;

(b) The personal and social characteristics of criminals and delinquents; and

(c) The administrative action taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals and delinquents.

(3) The commissioner shall interpret the statistics and present the information in such a manner as will be of value in guiding the legislature, and those in charge of the apprehension, prosecution and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. The report shall include statistics that are comparable with national criminal statistics heretofore mentioned.

(4) Copies of all reports shall, upon request, be distributed to peace officers or other public officials in the state dealing with crime or criminals. Such reports may also be given general distribution in the interest of public enlightenment.

By Mr. Wathen.

H. B. No. 302. AN ACT relating to venue for prosecution of officers of certain state agencies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Criminal prosecutions against law enforcement officers of the Kentucky State Police, the Department of Alcoholic Beverage Control, and the Department of Motor Transportation, for offenses arising directly or indirectly out of performance of official duties shall be brought in the Franklin circuit court.

By Mr. Wathen.

H. B. No. 303. AN ACT relating to assistant attorneys general.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 15.100 is amended to read as follows: "In addition to the departmental assistant attorneys general hereinafter provided for, the Attorney General may appoint eight assistant attorneys general, one of whom shall be designated First Assistant Attorney General. They shall perform such duties as are assigned them by the Attorney General in furtherance of the discharge of his duties. The First Assistant Attorney General shall, in the absence or sickness of the Attorney General, perform the duties of the latter."

Section 2. (1) The Attorney General shall appoint, with the approval of the appropriate Commissioner or Commission, as the case may be, an assistant attorney general for each of the following departments: Public Service Commission, Railroad Commission, Department of Revenue, Department of Finance.

(2) The Attorney General shall appoint, with the approval of the Commissioner of Highways, one Chief Assistant Attorney General and three additional assistant attorneys general for the Department of Highways.

(3) Each assistant attorney general appointed under the provisions of this Section shall represent and appear for the department to which he has been assigned. He shall be the legal adviser of such department and shall represent it in any litigation unless it is otherwise represented under the provisions of KRS 12.210. He shall devote his time to the legal affairs of such department to the extent required by such duties, but may, under the direction of the Attorney General, perform other duties connected with the office of the Attorney General when not occupied by departmental duties.

(4) The salaries and expenses of the assistant attorneys general appointed for individual departments shall be paid out of the appropriations made to those departments respectively, unless otherwise specifically appropriated by the General Assembly. The respective departments shall furnish offices and necessary secretarial assistance. The assistant attorney general assigned to the Railroad Commission shall be entitled to the services of a stenographer at a salary of not less than $2,100.00 per annum, to be determined by the Commission with approval of the Attorney General.

Section 3. No person shall serve as assistant attorney general unless he shall be licensed to practice law in this state. The First Assistant Attorney General shall possess the same qualifications which are established for the Attorney General.

Section 4. Each assistant attorney general shall serve not longer than the term of the Attorney General making the appointment, unless sooner removed by him.

Section 5. Nothing in this Act shall be construed to limit the authority of the Attorney General to appoint, with the approval of the Governor and subject to budget limitations, special assistant attorneys general for special purposes.

Section 6. KRS 15.110, KRS 15.115, KRS 15.120, KRS 15.140 and KRS 15.145 are hereby repealed.

By Mr. Wathen.

H. B. No. 304. AN ACT to make uniform the law on fresh pursuit, and authorizing this state to cooperate with other states.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Any peace officer of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state.

SECTION 2. If an arrest is made in this state by an officer of another state in accordance with the provisions of section 1 of this act he shall without unnecessary delay take the person arrested before a court of competent jurisdiction of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the court of competent jurisdiction determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state or admit him to bail for such purpose. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested.

SECTION 3. Section 1 of this act shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

SECTION 4. For the purpose of this act the word "state" shall include the District of Columbia.

SECTION 5. The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing

that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

SECTION 6. Upon the passage and approval by the governor of this act, it shall be the duty of the secretary of state (or other officer) to certify a copy of this act to the executive department of each of the states of the United States.

SECTION 7. If any part of this act is for any reason declared void, it is declared to be the intent of this act that such invalidity shall not affect the validity of the remaining portions of this act.

SECTION 8. This act may be cited as the Uniform Act on Fresh Pursuit.

SECTION 9. This act shall take effect immediately.

By Mr. Wathen.

H. B. No. 305. AN ACT TO AMEND AN ACT relating to the application of minor; renewal of minor's license or permit; cancellation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Application of minor; renewal of minor's license or permit; cancellation.* The application of any minor under the age of eighteen for an operator's license or instruction permit shall not be granted unless the application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of the minor. If the minor has no father, mother or guardian, an operator's license or instruction permit shall not be granted to the minor unless his application is signed by a person willing to assume the obligation imposed by KRS 186.590 upon a person signing the application of a minor. Such a signature need not be required in the case of the renewal of a minor's license but the signature on the original application shall continue to make the parent, guardian or other person liable under the provisions of KRS 186.590 on all renewals of the

minor's license until he reaches the age of eighteen unless the license, or any renewal thereof, is cancelled as provided in subsection (2) of this section.

Section 2. Effective July 1, 1958, the application of any minor under the age of eighteen for an operator's license, instruction permit or chauffer's license shall not be granted unless the applicant has successfully completed an accredited course in driver education, which educational curriculum shall be regulated by the Department of Education with instructions and standards developed cooperatively with the Department of the Kentucky State Police.

Section 3. Any person who has signed the application of a minor for a license may file with the Department a verified written request that the license of the minor be cancelled. There upon the license of the minor shall be cancelled and the person who signed the application shall be relieved as to subsequent acts of the minor from the liability imposed by subsection (1) of KRS 186.590.

Section 4. The Department upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license shall have the license cancelled and no new license shall be issued to the minor until a new application, signed and verified, is made as required by this section.

By Mr. Wathen.

H. B. No. 306. AN ACT relating to defenses in actions for false arrest or imprisonment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In actions against peace officers for false arrest or imprisonment it shall be a defense that the officer had probable cause to believe that a misdemeanor was being committed in his presence.

By Mr. Wathen.

H. B. No. 307. AN ACT relating to special Assistant Attorneys General in the Department of Law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That the Attorney General of the Commonwealth of Kentucky shall appoint subject to the acceptance of the appointment by the appointee in addition to all the Assistant Attorney Generals he is now authorized to appoint under the provisions of Chapter 15, Kentucky Revised Statutes, Special Assistant Attorney Generals as follows:

(a) Any Attorney General, Assistant Attorney General, or law clerk who in the past or may in the future serve or has served in the capacity of Attorney General, Assistant Attorney General, or Law Clerk by election or by appointment to said position or positions for a total period of twenty years, whether said services were continuous or in broken intervals, and whether or not said services were in different capacities.

(b) Said Assistant Attorney General shall perform such services to the Commonwealth of Kentucky as may be assigned to him by the Attorney General.

(c) Such Assistant Attorney General shall be paid an annual salary of $5,000 in twelve equal installments and such travel expense when performing official duties out of his office as hereafter provided as are allowed other state officers when on official duties.

(d) Such Assistant Attorney General shall be governed by all laws affecting Attorney Generals, Assistant Attorney Generals or law clerks as is provided in Chapter 15, Kentucky Revised Statutes, except such Assistant Attorney General as provided herein may reside in any part of Kentucky when directed so to do in writing by the Attorney General.

By Mr. Lowman.

H. B. No. 308. AN ACT relating to airport zoning.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All of the provisions, powers and duties relating

to airport zoning in KRS 183.750 to KRS 183.758, are hereby conferred upon and delegated to the Department of Aeronautics. Such powers and duties shall not be in derogation of those powers and duties granted political subdivisions by KRS 183.750 to KRS 183.758.

Section 2. The powers and duties conferred upon the department by this Act are to be exercised in relation to airports owned or controlled by the Commonwealth or those airports under the ownership or control of a political subdivision, until such political subdivision, acting under KRS 183.752, adopts, administers and enforces airport zoning regulations for the airport hazard area.

Section 3. Whenever the department adopts zoning regulations a zoning board shall be created. Such board shall be composed of the commissioner who shall act as chairman and two citizens of the county wherein the airport, or major portion thereof, is situated. One of the citizen members shall be appointed by the county judge and the other shall be appointed by the commissioner. The citizen members shall hold no other public office or position and shall serve without pay, but may be reimbursed for any necessary expenses incurred in the performance of their duties. The commissioner may appoint an officer or employe of the department to serve as chairman in his place on any such board.

By Mr. Lowman.

H. B. No. 309. AN ACT relating to the uniform reciprocal enforcement of support for dependents and amending section 407.010 and repealing sections 407.020, 407.030, 407.040, 407.050, 407.060, 407.070, 407.080, and 407.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 407.010 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

407.010 *Short Title Purpose.* (1) This Chapter may be

cited and referred to as the "Uniform Support of Dependents Act."

(2) The purposes of this Act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the laws with respect thereto.

Section 2. *Definitions.* As used in this Act unless the context requires otherwise:

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the circuit or county court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed.

Section 3. *Remedies Additional to Those Now Existing.* The remedies herein provided are in addition to and not in substitution for any other remedies.

Section 4. *Extent of Duties of Support.* Duties of support arising under the law of this state, when applicable under Section 7, bind the obligor, present in this state, regardless of the presence or residence of the obligee.

Section 5. *Interstate Rendition.* The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this Section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

Section 6. *Relief from the Above Provisions.* Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance.

Section 7. *Choice of Law.* Duties of support applicable under this Act are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

Section 8. *Remedies of a State or Political Subdivision Thereof Furnishing Support.* Whenever the state or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

Section 9. *How Duties of Support Are Enforced.* All duties of support are enforceable by action irrespective of relationship

between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the circuit or county court.

Section 10. *Contents of Complaint for Support.* The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the addresses and circumstances of the defendant, his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his finger prints, or Social Security number.

Section 11. *Officials to Represent Plaintiff.* The county attorney, upon the request of the court or an appropriate welfare official or state agency, shall represent the plantiff in any proceeding under this Act.

Section 12. *Petition for a Minor.* A complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

Section 13. *Duty of Court of This State as Initiating State.* If the court of this state acting as an initiating state finds that the complaint sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the complaint (2) its certificate and (3) this Act to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

Section 14. *Costs and Fees.* A court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state,

including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant, or either, shall be paid by the county. Where the action is brought by or through the state or an agency thereof, there shall be no filing fee.

Section 15. *Jurisdiction by Arrest.* When the court of this state, acting either as an initiating or responding state, has reason to believe that the defendant may flee the jurisdiction it may (a) as an initiating state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state; or (b) as a responding state, obtain the body of the defendant by appropriate process.

Section 16. *State Information Agency.* The Department of Economic Security is hereby designated as the State Information Agency under this Act, and it shall be its duty:

(1) To compile a list of the courts and their addresses in this state having jurisdiction under this Act and transmit the same to the State Information Agency of every other state which has adopted this or a substantially similiar Act.

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this Act.

Section 17. *Duty of the Court of This State as Responding State.* When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the county attorney, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

Section 18. *Further Duty of Responding Court.* If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property due to inaccuracies or inadequacies in the complaint or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the defendant

or his property, and shall hold the case pending the receipt of more accurate information or an amended complaint from the court in the initiating state.

Section 19. *Procedure.* The court shall conduct proceedings under this Act in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

Section 20. *Order of Support.* If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

Section 21. *Responding State to Transmit Copies to Initiating State.* The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

Section 22. *Additional Powers of Court.* In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or an official designated by the court or the obligee and to report personally to such clerk at such times as may be deemed necessary

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Section 23. *Additional Duty of the Court of This State when Acting as a Responding State.* The court of this state when acting as a responding state shall have the following duties which

may be carried out through the clerk of the court or official designated by the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

Section 24. *Additional Duty of the Court of This State When Acting as an Initiating State.* The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court or the official designated to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

Section 25. *Evidence of Husband and Wife.* Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this Act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

Section 26. *Rules of Evidence.* In any hearing under this law, the court shall be bound by the same rules of evidence that bind the Juvenile Court.

Section 27. *Application of Payments.* Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

Section 28. *Effect of Participation in Proceeding.* Participation in any proceedings under this Act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceedings.

Section 29. *Repealer.* Sections 407.020, 407.030, 407.040, 407.050, 407.060, 407.070, 407.080, and 407.090 of Kentucky Revised Statutes are hereby repealed.

Section 30. *Time of Taking Effect.* This Act shall take effect on July 1, 1954.

By Mr. Lowman.

H. B. No. 310. AN ACT relating to claims allowed by courts payable from the State Treasury, amending subsection (1) of Section 44.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 44.020 of the Kentucky Revised Statutes is amended to read as follows:

"Within twenty days after the termination of each session of the Court of Appeals, and of each circuit court and each county court, the clerk of the court shall make out and certify an alphabetical list of all claims payable out of the State Treasury that have been allowed by the court, and transmit the list to the Department of Finance, and no warrant for any claims requiring the approval of a court shall be issued until the list has been received by the Department of Finance. The alphabetical list of claims shall serve as a certified copy of orders of allowance by the court for each and every claim listed thereon, and, notwithstanding any statutory provision to the contrary, a copy of the order of allowance shall not be required for any claim listed thereon before payment may be made unless deemed necessary by the Department of Finance. The Department of Finance shall keep a separate record of all claims allowed in each county, noting the number and amount of each warrant issued for the payment of such claims."

By Mr. Lowman.

H. B. No. 311. AN ACT relating to children's homes in counties having a city of the first class and amending Sections 201.010 and 201.080 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 201.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Home" means the institution to be established and maintained in any county having a city of the first class, in conformity with the provisions of this chapter.

(2) "Board" means the body created by KRS 201.020.

Section 2. Section 201.080 of the Kentucky Revised Statutes is amended to read as follows:

The board may, in its discretion, receive into and maintain in the home any boy or girl who has not attained his or her eighteenth birthday, is a resident of the county, and has been duly committed to the home. The board may receive into the home such other children of the county as the board may, in the absence of any judicial or official commitment, find it convenient, or for the best interest of such children, to receive into the home.

By Mr. Lowman.

H. B. No. 312. AN ACT relating to the issuance of notes in anticipation of revenue.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) From time to time as the legal demands on the General Fund or on the Road Fund render it necessary, the State Treasurer, with the approval of the Commissioner of Finance, may borrow such money as is necessary to discharge such demands and shall issue negotiable notes for the amount borrowed in anticipation of the receipt of revenues for the purposes and within the amounts of appropriations theretofore made for the fiscal year in which said negotiable notes are issued. These negotiable notes shall be due and payable on or before June 30 of the fiscal year for which the money is borrowed. The State Treasurer shall obtain the lowest rate of interest possible to be

determined by competitive bidding, but such rate of interest shall not exceed five percent per annum. The sum borrowed shall not exceed seventy-five percent of the estimated revenues then unrealized but still to be collected during the remainder of the fiscal year in which the money is borrowed. Such notes for the money so borrowed shall, with the interest thereon, be paid from revenues received by the General Fund or the Road Fund, whichever fund the money is borrowed for; and so much of such revenues as will be sufficient to pay the amount borrowed shall be pledged to that object.

(2) "Estimated revenues" referred to in subsection (1) of this Act shall mean the official estimates submitted to the Governor by the Commissioner of Revenue, including revisions of the estimates which the Commissioner of Revenue may deem advisable from time to time.

By Mr. Lowman.

H. B. No. 313. AN ACT relating to the conveyance of prisoners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Whenever it is necessary for an inmate of any State Penitentiary, State Reformatory or any facility operated by the Youth Authority to appear in court as a witness for the Commonwealth in a felony case or to appear as a witness for a pauper defendant in a felony case or to appear as a defendant in a felony case, the court shall make an order directing that the prisoner be brought before the court.

(2) An officer or warden conveying a prisoner under an order of the court as provided for in subsection (1) shall be paid out of the State Treasury ten cents per mile, to be calculated by the nearest traveled route, for himself and each guard employed, and shall be paid all actual necessary expenses for feeding, lodging and transporting the prisoner. The number of guards employed for conveying prisoners shall not exceed one guard for every two prisoners. Where only one prisoner is conveyed, no guard shall be employed.

(3) Upon production of the order of the court directing that the prisoner appear, and a complete account of all expenses incurred, giving the names of the guards employed and the distance traveled, the Department of Finance shall audit the account of the officer for conveying the prisoner and, if found correct, shall draw a warrant for its payment.

Section 2. (1) Any peace officer who conveys a child from the committing court or from the detention facility of the committing court to a reception center operated by the Youth Authority shall be allowed ten cents per mile, calculated by the nearest traveled route, and shall be paid all actual necessary expenses for feeding, lodging and transporting the child. The officer shall make out a full account of all expenses incurred by him, giving the distance traveled, and such other information as the Department of Finance shall require. The receipt of the superintendent of the reception center shall be attached to the claim. The account shall be forwarded to the Department of Finance for payment out of the funds appropriated for the purpose.

(2) No guards shall be paid out of the State Treasury to accompany a peace officer making a conveyance under subsection (1) except as provided in KRS 208.260 and except when the court orders that guards be employed. If guards are employed as provided for above, they shall be allowed ten cents per mile, calculated by the nearest traveled route.

(3) In any county wherein the court is paying probation officers and wherein the county provides vehicles for transporting the children, no expense shall be paid out of the State Treasury for the conveyance.

Section 3. All funds appropriated to the Kentucky Children's Bureau for the fiscal years 1954-55 and 1955-56 for the purpose of conveying prisoners to the Youth Authority Receiving Center are hereby transferred to the appropriation made by the 1954-56 biennial budget for "County Costs."

Section 4. Section 208.540 of the Kentucky Revised Statutes is repealed.

Section 5. This Act shall take effect on July 1, 1954.

By Mr. Lowman.

H. B. No. 314. AN ACT relating to fees and expenses paid out of the State Treasury to witnesses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 421.020 of the Kentucky Revised Statutes is amended to read as follows:

Witnesses subpoenaed for the state in felony cases shall be allowed out of the State Treasury one dollar per day for each day in attendance in the circuit court, beginning with the day set for the trial of the case. If a witness resides in another county, he shall receive in addition to per diem seven cents per mile going and returning by the nearest traveled route to be allowed by the court and certified to the Department of Finance for payment.

By Mr. Lowman.

H. B. No. 315. AN ACT relating to children, and amending Sections 199.320, 208.150, 208.160, 208.170, 208.320, 208.370, 208.380 and 208.460 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 199.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall knowingly encourage, aid, cause, or in any manner contribute to the conditions which cause or tend to cause a child to become delinquent, neglected or charged with a crime.

(2) No person having custody of a child shall willfully fail to do any act that will directly tend to prevent the child's becoming delinquent, neglected or charged with a crime.

Section 2. Section 208.150 of the Kentucky Revised Statutes is amended to read as follows:

If an investigation indicates that a child before the juvenile

court may be mentally ill or defective, the court may cause the child to be examined by a health officer or child guidance clinic, or any reputable physician who will conduct the examination. If such examination confirms mental illness or defect, further proceedings shall be had in accordance with the law governing inquests concerning sanity.

Section 3. Section 208.160 of the Kentucky Revised Statutes is amended to read as follows:

When the health of any child before the juvenile court requires it, the court may order the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will provide treatment and care. In order to ascertain whether the child is in normal health, the court may cause the child to be examined by a health officer or children's clinic or any reputable physician who will conduct the examination.

Section 4. Subsection (1) of Section 208.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) If, during the course of any proceeding in the juvenile court, it appears that a child before the court has committed a felony, and at the time of commission of the offense the child was sixteen years of age or older, or was less than sixteen years of age but the offense was murder or rape, and the court is of the opinion that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the court in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by a circuit court.

Section 5. Section 208.280 of the Kentucky Revised Statutes is amended to read as follows:

If it appears that the parent of any child who has been placed on probation in a family home or boarding home, or has been committed to the Youth Authority or to an institution or agency, is able to contribute to the support of the child, the court shall enter an order requiring the parent to pay a reasonable

sum from time to time for the support, maintenance or education of the child. The order shall direct that the money be paid to the county clerk to be disbursed as ordered by the court or be paid to the person, institution, agency or Youth Authority to which the child was committed or probated. On application and on such notice as the court may direct, the court may make alterations in the requirement for contribution. The court may require the parent to give security for payment of the sums due, and shall enforce its orders as in cases of contempt. The enforcement of a sentence imposed on a parent who fails to comply with the order of the court may be suspended at the discretion of the court, but the suspension shall be revoked upon failure of the parent to obey the orders of the court.

Section 6. Subsection (1) of Section 208.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties containing a city of the first or second class, the county judge may appoint a chief probation officer of the juvenile court and such number of assistant probation officers, professional and clerical personnel as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge. The officers shall have the powers of a sheriff in making arrests.

Section 7. Section 208.370 of the Kentucky Revised Statutes is amended to read as follows:

In proceedings in the juvenile court, no court fees shall be charged against, and no witness fees shall be allowed to, any party to a petition. No public officer shall be entitled to receive any fee for the service of process or for attendance in court in any such proceedings. All other persons acting under orders of the court may be paid, for service of process and attendance as witnesses, the fees provided by law for like services in civil cases in the circuit court, the payments to be made out of the county treasury. The county or state may compensate any officer or person in the amount prescribed by law for the deten-

tion or return of any person to the jurisdiction of the court, and funds for this purpose may be appropriated and paid by the fiscal court.

Section 8. Section 208.380 of the Kentucky Revised Statutes is amended to read as follows:

An appeal may be taken from the juvenile session of the county court as provided in section 362 of the Criminal Code of Practice; provided, however, that nothing contained herein shall be construed to deprive the child of the right to have any judgment or order affecting it reviewed by the circuit court.

Section 9. Section 208.460 of the Kentucky Revised Statutes is amended to read as follows:

If it appears that a child committed to the Youth Authority is mentally ill or defective, the Youth Authority may commit him, for a period of observation not to exceed thirty-five days, to a state mental hospital or to the Kentucky Training Home, or to a public hospital having a psychopathic ward or facilities suitable for the observation of mental conditions. If it appears from such observation that the child requires treatment or hospitalization for mental illness or defect, the Youth Authority shall cause proceedings to be instituted under the statutes governing inquests concerning mental condition, and if the child is committed to a mental hospital or to the Kentucky Training Home he shall automatically be discharged from his commitment to the Youth Authority. If facilities are not available to receive a child in a state mental hospital or the Kentucky Training Home, the Youth Authority may retain custody of the child for a reasonable time or return the child to the county of the court which committed the child to the Youth Authority.

By Mr. Conley.

H. B. No. 316. AN ACT relating to zoning and planning in cities of the first class and counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in KRS 100.031 to 100.098, unless the context requires otherwise:

(1) "Mayor" means the chief executive of the city whether the official designation of his office is mayor, city manager, or otherwise.

(2) "Legislative body" means the chief legislative body of the city, whether it is a board of aldermen, general council, board of commissioners, or otherwise.

(3) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways.

(4) "Subdivision" means the division of a tract of land into two or more divisions for the purpose, whether immediate or future, of sale or of building development, and includes re-subdivision.

(5) "Municipal area" means the surrounding territory which bears relation to the planning and zoning of the city.

(6) "Commission" means planning and zoning commission.

SECTION 2. Subsection (1) of section 100.067 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the aforesaid purposes, the legislative body of such city and the fiscal court of such county, respectively, are hereby empowered to regulate, within their respective jurisdictions, the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot area which may be occupied by buildings or structures, the size of yards, courts and other open spaces, building setback lines on streets and highways, and the future location and width of streets, whether public or private, and highways, the density of population, the erection, use and occupancy of buildings or structures, and the use of land, for trade, industry or residence, or other purposes. Except as to said setback lines and the future location and width of streets and highways, the foregoing enumeration of powers shall not apply to land used solely for agricultural, farming, dairying, stock-raising or similar purposes, nor buildings nor structures thereon, but if any portion of any such land or any building or structure on such land is used for commercial or business purposes then that portion of the land and any such building or structure shall be subject to all of the above regulations.

By Mr. Horn.

H. B. No. 317. AN ACT relating to plumbers and plumbing, and amending subsection (2) of Section 318.010, Section 318.030, subsection (1) of Section 318.090, Sections 318.110 and 318.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of section 318.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

(2) The provisions of Chapter 318 of the Kentucky Revised Statutes shall apply only in counties containing a city of the first, second or third class.

Section 2. Section 318.030 of the Kentucky Revised Statutes is hereby amended to read as follows:

No person shall engage in or work at the trade of plumbing, either as a master plumber or a journeyman plumber, in any county containing a city of the first, second or third class, unless he has been licensed according to this chapter.

Section 3. Subsection (1) of section 318.090 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board shall appoint a county plumbing inspector and any deputy county plumbing inspectors that it considers necessary to carry out Chapter 318 of the Kentucky Revised Statutes for each county containing a city of the first, second or third class.

Section 4. Section 318.110 of the Kentucky Revised Statutes is hereby amended to read as follows:

A company or individual principal may engage in the business of plumbing within a county containing a city of the first, second or third class, if some person connected with such a company or individual principal in responsible charge of the plumbing work is a licensed master plumber or journeyman plumber. Any master plumber, in responsible charge of plumbing work for a company or individual engaged in the plumbing

business, shall notify the board at any time he severs his connection with the company or individual principal.

Section 5. Any city of the first, second or third class that, through municipal ordinances regulating the installation of plumbing, adopts the code promulgated by the board under KRS 318.130, may appoint a municipal plumbing inspector and deputy plumbing inspectors. The municipal inspector and deputy municipal inspectors shall have concurrent jurisdiction with the county plumbing inspector within the boundaries of the city, in the enforcement of Chapter 318 of the Kentucky Revised Statutes. At the time of their appointments the municipal plumbing inspector and deputy inspectors shall be either licensed master plumbers or licensed journeyman plumbers. Nothing in Chapter 318 of the Kentucky Revised Statutes shall prevent cities of the first, second or third class from collecting occupational license fees on either master or journeyman plumbers, or from collecting fees for the issuance of permits for the installation of plumbing fixtures.

By Mr. Wirsch.

H. B. No. 318. AN ACT relating to the qualifications of city officers in cities of the fifth class; amending Section 87.160 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 87.160 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 95.710, no person shall be eligible to hold any office in the city unless he is a resident and qualified voter in the city and has resided in the city for one year next preceding the date of his election or appointment.

By Mr. Lowman, Mr. Harralson, Mr. McCallum, Mr. Lovelace, Mr. Banton, Mrs. Wilson, Mr. Lacy, Mr. Williams, Mr. Taylor, Mr. Breathitt, Mr. Hilton, Mr. Jones, Mr. Hadden, Mr. Melton, Mr. McFadden, Mr. Edmonds, Mr. Bleemel, Dr. Wooton, Mr. Mitchell, Mr. McClanahan, Mrs. Stovall and Mr. Caudill.

H. B. No. 319. TEACHERS' RETIREMENT ACT. AN ACT amending KRS 161.620 (3); increasing the minimum annuity.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.620, subsection (3) is hereby amended and enacted so as to read as follows:

(1) Effective July 1, 1954, and including living retired members and members who retire subsequently, no retirement allowance shall be less than eighteen dollars per service credit year, multiplied by the number of years of service credit, but by not more than thirty-five years. This minimum shall not exceed six hundred and thirty dollars. A member eligible for retirement having less than thirty-five years of service credit shall receive not less than his or her number of years multiplied by eighteen dollars, but in no case less than one hundred and twenty dollars. Any retirement allowance which has been or will be computed to be less than the applicable minimum herein provided shall be increased to said minimum.

By Mr. Lambert.

H. B. No. 320. AN ACT relating to absent voting.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 126.140 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Absent voter" means any qualified voter who as a result of active membership in the armed forces expects to be absent from the county in which is situated his voting precinct on the day of holding any election.

(2) "Election" means any regular election, primary election

or special election, for any federal, state, district, county or city office, including school district offices, and any election upon a public question.

Section 2. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county court clerk, or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of _____ County, _____ Kentucky.

"I, _____, state that I am a resident of the State of Kentucky, and have been such for at least one year prior to the date hereof. I am a resident of _____ _____County and have been such for more than six months prior to said date, and am a resident of _____ precinct of said county (or _____ ward of the city of _____ _____, county of _____) and have been such for at least sixty days prior to said date; that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; that as a result of active membership in the armed forces I expect to be absent from said precinct or ward on the election to be held in said precinct or ward on the _____ day of _____, 19____, and I will not vote elsewhere at said election. I request that an official ballot be mailed to me at the following address:

_____

(Name and address)

_____

(Rank and unit)

_____

(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this _____ day of _____, 19____.

_____

(Name and Official Title)"

Section 3. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

Upon receipt af any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190. If the applicant is found not to be registered, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered, in the registration records of the proper precinct, and shall mark upon the registration record the words, "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

Section 4. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballot, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter _____
Residence (street and number, if any) _____
_____
County of _____
City or Town of _____

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least twenty-one years or will be on the day of the election to be held on the _____ day of _____, 19____. (here insert the day of the election) that I will have been a resident of the State of Kentucky for at least one year next preceding such elec-

tion, and a resident of the County of _____ for more than six months preceding such election, and a resident of _____ precinct of said county (or _____ _____ ward of the city of _____ County of _____) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the _____ political party; that as a result of active membership in the armed forces I expect to be absent from said precinct or ward at the time of said election.

_____

(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this _____ day of _____.

_____

(Official Title)"

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

Section 5. Section 126.310 of the Kentucky Revised Statutes is amended to read as follows:

Any oath or affirmation required by this chapter to be taken before a civil officer may be taken before any commissioned officer of the Armed Forces. Any officer before whom the same is taken shall subscribe his name and official designation.

By Mr. Bridgers, Mr. Cosby and Mr. Heyburn.

H. B. No. 321. AN ACT relating to airport boards and city-county air boards in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any airport board and the joint city-county air board of a city of the first class and the county containing such city may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, add to and im-

prove airports and airport facilities and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term "Governmental agency" means the board and the term "public project" means airports and airport facilities.

By Mr. Lowman, Mr. Breathitt, Mr. Hilton, Mr. Harralson, Mr. Raybourne, Mr. McClanahan, Mr. Martin, Mr. Ratcliffe, Mr. Webster, Mr. Lovelace, Mr. Anderson, Mr. Kearby, Mr. Morris, and Mr. Francis.

H. B. No. 322. TEACHERS' RETIREMENT ACT. AN ACT amending KRS 161.220 (10), (11), KRS 161.540, KRS 161.620 (1) (2); and providing for a deferred appropriation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (10) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years if less than five, prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars; and during the five years or for as many years if less than five years, immediately preceding the following dates herein, except that any salary which exceeds two thousand dollars in any year prior to July 1, 1946, shall be considered two thousand dollars and any salary for any year subsequent to July 1, 1946, and prior to the effective date of this Act, which exceeds two thousand four hundred dollars shall be considered two thousand four hundred dollars and any salary subsequent to the effective date of this Act shall be the actual arithmetic average salary for any five consecutive years which will provide the highest average.

Section 2. Subsection (11) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Compensation" after the effective date of this Act

means the contractual salary and additions thereto received by a member as compensation for his services as a teacher in the public schools of Kentucky during a given fiscal year before any deductions.

Section 3. Section 161.540 of the Kentucky Revised Statutes is amended to read as follows:

Each member whose age on the first day of any current scholastic year is less than thirty years shall contribute to the Retirement System three per cent of his annual compensation. Each member whose age on the first day of any current scholastic year is thirty years and less than forty years shall contribute to the Retirement System four per cent of his annual compensation. Each member whose age is forty years or more on the first day of any current scholastic year shall contribute to the Retirement System five per cent of his annual compensation. The contribution of a member shall not exceed his percentage, determined by his age, on his current annual compensation.

Section 4. Subsections (1) and (2) of Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

Subsection (1) The retirement allowance of the member retiring for superannuation whose age of retirement is seventy years shall be 1% of his average annual prior service salary (as defined) for each year of prior service credit plus 1½% of his average annual compensation for each year of subsequent service between the years 1941 and the effective date of this Act, plus a percentage in excess of 1½%, to be determined by the Actuary of the System and approved by the Board of Trustees, said determined percentage to be taken of his annual subsequent service salary (as defined) for the years after the effective date of this Act. The retirement allowance of a member retiring for superannuation whose age at time of retirement is less than seventy years shall be reduced to that amount which the value of the retirement allowance computed as provided in this Section at age seventy will purchase as of the actual age of retirement of the member, according to the actuarial tables in use by the System. Retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to

one at age seventy. Said factors shall be determined by the Actuary of the Retirement System and approved by the Board of Trustees.

Subsection (2) For any member retiring on or after the effective date of this Act, no retirement allowance shall be greater than one-half of the average annual compensation.

Section 5. This Act shall become effective July 1, 1956, or subsequently on a certain July 1, immediately following the date on which the General Assembly shall have appropriated a sufficient amount from the General Expenditure Fund of the State Treasury to match the contributions required by this Act.

By Mrs. Stovall.

H. B. No. 323. AN ACT relating to the disposition of persons convicted of crime in police courts in cities of the first and fourth classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 26.440 of the Kentucky Revised Statutes is amended to read as follows:

In cases of drunkenness or disorderly conduct, the police courts in counties containing a city of the first and fourth class may, in addition to imposing a fine, require the offender to give bond in a sum not exceeding one thousand dollars to keep the peace or be of good behavior for any period not exceeding one year. If the offender fails to give bond or fails to pay the fine, he shall be immediately committed to the workhouse, station house or county jail and kept in custody until bond is given or the time for which it was required has expired, and until the fine is paid or satisfied by labor.

Section 2. Section 26.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided by law, any person against whom a fine is imposed upon conviction of a misdemeanor in the police court of a city of the first class, or who is

arrested under a capias pro fine for a violation of an ordinance of a city of the first class, shall, unless discharged by authority of law or by payment of such fine, be committed to the workhouse or county jail and shall be there detained, until the fine against him is paid or satisfied by his earnings by compulsory work, in or out of the workhouse or county jail, at such wages as may be prescribed by statute or by ordinance.

(2) Except as otherwise provided by law, any person sentenced to imprisonment upon conviction of a misdemeanor in the police court of a city of the first class shall, unless discharged by authority of law, be committed to the workhouse or county jail and shall be there detained at hard labor in or out of the workhouse or county jail, if hard labor is imposed under subsection (3) of this section, until the sentence has been served.

(3) When imprisonment is imposed by the judge or jury in the police court of a city of the first class, the judge or jury may direct whether or not the imprisonment shall be at hard labor, unless the statute imposing the penalty specifically prohibits the exercise of such discretion.

(4) In cases of drunkenness or disorderly conduct, the police court of a city of the first class may, in addition to imposing a fine or imprisonment or both, require the offender upon conviction to give bond in a sum not exceeding one thousand dollars to keep the peace or be of good behavior for any period not exceeding one year. If the offender fails to give bond, he shall be immediately committed to the workhouse or county jail and kept in custody until the bond is given or the time for which it was required has expired.

(5) The jailer, or sheriff performing the duties of a jailer, of any county jail to which prisoners are committed at hard labor or to satisfy fines by compulsory work under subsections (1) or (2) of this section, may, by agreement with the city of the first class, provide for the adequate care, supervision, guarding, discipline, maintenance, transportation and housing of such prisoners while performing work or labor for the city outside the jail.

(6) The procedure established by subsection (5) of this section for placing at work prisoners confined in county jails at hard labor is not intended to supersede other procedures otherwise prescribed by statute for the same purpose, but is intended as an additional or alternative method therefor.

By Mr. Young.

H. B. No. 324. AN ACT relating to barbers and beauty specialists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 317.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, firm or corporation may apply to the board for a license to conduct a school for the teaching of barbering or beauty culture.

(2) Any recognized professional association composed of licensed beauticians or persons in allied businesses whose business is primarily that of a supplier of materials, implements or equipment used by beauty specialists or beauty shops may hold, present, sponsor or otherwise stage educational lectures, clinics, demonstrations, exhibitions, conventions or postgraduate courses in cosmetology presided over by recognized persons in the field of cosmetology when done for the benefit of, and attended by, licensed beauty specialists and apprentices and not for the public generally.

(3) Not less than ten days prior to the date of any such lecture, clinic, demonstration, exhibition, convention or postgraduate course, the organization desiring to sponsor same, and the person desiring to appear shall file notice of their intentions with the Kentucky Board of Barbers and Beauty Examiners and shall satisfy the board that it is a recognized professional association and that the person seeking a temporary permit is capable of and may reasonably be expected to further the standards and professional knowledge of the beauticians attending. If, after reasonable investigation, the board is sat-

isfied that said requirements have been met and the fee required by KRS 317.160 has been paid, it shall issue a temporary permit to the sponsoring organization and to the person. No such permit shall be valid for a period of more than ten days.

Section 2. Section 317.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fee for an examination for barber or beauty specialist shall be fifteen dollars, and for the issuance of a license, eight dollars. The fee for renewal of any barber's or beauty specialist's license, including an apprentice's license, shall be five dollars, and for the restoration of an expired license, twenty-five dollars.

(2) The fee for an examination for an apprentice to a barber or beauty specialist shall be ten dollars, and for the issuance of the license, three dollars.

(3) The fee for an examination for manicurist shall be ten dollars, and for the issuance of a license, three dollars. The fee for the renewal of a manicurist's license shall be three dollars, and for the restoration of an expired license, ten dollars.

(4) The fee for an examination for teacher of beauty culture or barbering shall be twenty-five dollars, and for the issuance of a teacher's license, ten dollars. The fee for renewal of a teacher's license shall be ten dollars, and for the restoration of an expired license, fifty dollars.

(5) The annual license fee for a school of barbering or beauty culture shall be twenty-five dollars.

(6) The annual license fee for each barber shop or beauty shop shall be three dollars.

(7) The fee for the issuance of a temporary permit for a recognized person in the field of cosmetology appearing in connection with educational lectures, clinics, demonstrations, exhibitions, conventions, or postgraduate courses in cosmetology as provided in KRS 317.090 shall be twenty-five dollars for each ten day period.

Section 3. Section 317.190 of the Kentucky Revised Statutes is amended to read as follows:

A duplicate license certificate shall be issued to an applicant filing a verified statement explaining the loss of his certificate. A fee of two dollars shall be charged for the issuance of a duplicate. Each duplicate shall have the word "duplicate" stamped across its face, and shall bear the date and number of the original certificate.

Section 4. Section 317.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) No school of barbering or beauty culture shall be approved by the board unless it requires as a prerequisite to graduation, a course of instruction of not less than twelve hundred and forty-eight hours, to be completed in not less than six months of not more than ten hours nor less than four hours a day. The course of instruction shall include the following subjects: histology of the hair, skin, nails, muscles and nerves of the face and neck; elementary chemistry, relating to sterilization and antiseptics; diseases of the skin, hair and glands; massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair, and such other courses as scientific research and progress in the future render desirable.

(2) No school shall be approved by the board that does not provide at least one licensed teacher for every eighteen students or fraction thereof enrolled in the school.

(3) Schools shall keep daily records of the attendance of each student, establish grades and hold examinations before issuing diplomas.

(4) Schools shall be so located as to be entirely separate from any beauty shop, barber shop or any place of business. All rooms shall be properly lighted and well ventilated. Schools shall be supplied with clean sanitary drinking water. Schools located in residences shall have outside entrances and be equipped with lavatories other than those used for family or residential purposes.

Section 5. Section 317.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall elect a president and appoint a secretary.

(2) The secretary of the board shall receive such salary as may be fixed pursuant to KRS 64.640, and shall be reimbursed for his necessary traveling expenses.

(3) Each member of the board shall receive, as compensation for actual attendance at legally assembled meetings of the board, twenty dollars for each day he attends as shown by the record, and shall be reimbursed for necessary traveling expenses.

Section 6. Section 317.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No apprentice may practice barbering independently, but may do any act constituting the practice of barbering under the immediate supervision of a licensed barber. Only one apprentice may be employed in any licensed barber shop.

(2) No apprentice may practice beauty culture independently but may do any act constituting the practice of beauty culture under the immediate supervision of a licensed beauty specialist. There shall be no more than one apprentice for each licensed beauty specialist in any one shop.

Section 7. Section 317.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any provision of this Chapter shall be fined not less than nineteen dollars nor more than five hundred dollars, or imprisoned for not less than ten days, nor more than thirty days, or both.

By Mr. Mobley.

H. Res. No. 39. A JOINT RESOLUTION authorizing Ora Mae Kincheloe, personal representative of the estate of Grover Cleveland Kincheloe, Sr., deceased, of Warren County, to sue the Department of Education and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Ora Mae Kincheloe, personal representative of the estate of Grover Cleveland Kincheloe, Sr., deceased, be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Education thereof, either or both of them, in such sum as will fairly and reasonably compensate the estate of said Grover Cleveland Kincheloe, Sr., deceased for the injuries and damages, if any, sustained by said estate as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Education thereof, their agents and employes, in maintaining the gas system in the North Warren High School, Smith Grove, Warren County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $20,000.00

Section 3. That the action herein authorized and permitted may be brought in the Warren Circuit Court, same being the Circuit Court having jurisdiction in Warren County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Warren Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or any of its officers, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Mr. Lovelace moved that the rules be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Lovelace moved that Robert Leslie Price and Josh K. Lovelace, Jr., be made honorary pages.

Said motion agreed to.

Mr. Walsh moved that Janet Susan Conley be made an honorary page.

Said motion was agreed to.

Mr. Day moved that William Logan Bailey be made an honorary page.

Said motion was agreed to.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 190. AN ACT relating to expenses of operating motor vehicles used by county officers and employees in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The fiscal court of any county containing a city of the first class may authorize any officer or employee of the county to use his own motor vehicle in the discharge of his official duties, and when any such officer or employee incurs any expense incident to traveling in his own motor vehicle, while on official business of the county, the amount allowed for such expense may be fixed by the fiscal court not to exceed ten cents per mile over the nearest traveled route over which he has traveled, which sum shall include depreciation and investment charges incident to the operation of the motor vehicle.

With Committee Amendment thereto by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever the fiscal court of any county containing a city of the first class is authorized by law to furnish a motor vehicle to any officer or employe of the county, the fiscal court may permit such officer or employe to use his own motor vehicle in the discharge of his official duties, and whenever any such officer or employe incurs any expense incident to traveling in his own motor vehicle, while on official business, the amount allowed for such expense may be fixed by the fiscal court.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

REPORT OF COMMITTEES

Mr. William B. Wells, Chairman of the Committee on Roads and Highways, to which same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 27. A RESOLUTION concerning the naming of Kentucky Highway No. 503 in honor of Corporal Ernest E. West.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Charles W. Wirsch, of the Committee on Revenue and Taxation, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 133. AN ACT relating to the payment of tax on gasoline used in farm tractors and stationary engines, and amending Sections 138.344 to 138.351 and 138.354, 138.355 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Foster Ockerman, Chairman of the Committee on Revenue and Taxation, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 168. AN ACT relating to inheritance and estate taxes; amending Section 140.030 and Section 140.260 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 254. AN ACT relating to the organization and government of cities of the first class.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 257. AN ACT relating to the finance and revenue of boards of registration commissioners of cities of the first class.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 256. AN ACT concerning the finance and revenue of cities of the first class and agencies thereof.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 255. AN ACT relating to the regulation of buildings, dwellings and structures by cities of the first class.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 258. AN ACT relating to the finance and revenue of municipal universities in cities of the first class.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 259. AN ACT relating to tax levies and appropriations by cties for the maintenance, operation and improvement of park and recreational areas acquired under Section 97.060 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 260. AN ACT relating to the finance and revenue of joint city-county boards of health of cities of the first class and counties containing such cities.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 261. AN ACT relating to the finance and revenue

of joint city-county children's homes in counties containing a city of the first class.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 262. AN ACT relating to the finance and revenue of joint city-county air boards in counties of the first class.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 263. AN ACT relating to the giving of notice to cities of claims for injuries growing out of defects in public ways.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 264. AN ACT relating to advertisement for bids for repairs to school buildings and for purchase of supplies and equipment for schools.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 265. AN ACT relating to the control of Air Pollution.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Maglinger moved the adoption of H. Res. No. 35.

Said resolution is as follows, viz:

WHEREAS, Judge Harry F. Walters was County Judge of Shelby County from 1934 to 1940, and became a member of this House as the representative from the 57th District, where he ably served from 1940 until 1946, and then became the State's Commissioner of Agriculture, Labor and Statistics in 1947 and served in that capacity until his death on June 16, 1951; and

WHEREAS, Judge Walters, as he was affectionately called by everyone, is to be remembered not only as an able and astute legislator, but above all else a champion of the interests of the Kentucky farmer, and a friend to all; and

WHEREAS, it is the expressed desire of the members of this body that its sorrow and regrets in the passing of Judge Walters be made known to his family and to the people of Shelby County whom he served so well; and

WHEREAS, Judge Walters' homestead adjoins the campus of Lincoln Institute, which became a state institution as a result of his efforts;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. In keeping with the above sentiments, it is the express intent and desire of the members of this body that a suitable building, erected in the future on said campus subject to the action of the Governor and the State Property and Building Commission, be named as a memorial to Harry F. Walters.

Section 2. It is the sense of this House that a copy of this resolution be forwarded to his widow and family; that a copy be sent to the newspapers in Shelby County, and that it be made a matter of record and spread upon the journal of the House of Representatives.

Said motion was agreed to by voice vote.

Said resolution adopted.

Ordered that said resolution be delivered to the Senate.

Mr. Maglinger moved the adoption of H. Res. No. 36.

Said resolution is as follows, viz:

WHEREAS, Berea College, begun in 1855, was founded upon the constitutional principle of responsible freedom of expression, for which its founder, John G. Fee, his teachers and supporters suffered, and from which has developed during the century a system of education unique in America today; and

WHEREAS, Berea College provides education without charge of tuition to students of the Appalachian Mountain area from 230 counties in eight Southern States, selecting young men and women on the basis of financial need, high moral character, sincerity of purpose, and academic scholarship without regard to race or creed, and adapting its educational program to fit the special needs of these registrants; and

WHEREAS, Berea College is not supported by public taxation, but depends for its maintenance upon the income from endowment and gifts provided by friends and foundations located over the entire length and breadth of this land, being supporters of this Institution because of its public-spirited ideals and the high quality of its academic program; and

WHEREAS, this College has always recognized the essential and honorable nature of labor well done as basic in the philosophy of Education and has evolved a unique work program for students as an integral part of its educational process; and

WHEREAS, the work program has so distinguished Berea graduates in personal characteristics of integrity, self-confidence, and productivity as to command the favorable attention of statesmen and educators throughout the United States and also to serve as a pattern for educational progress in foreign lands; and

WHEREAS, this labor system produces through the Berea College Student Industries arts and crafts so distinguished in craftsmanship as to be sought in world markets, thus bringing great credit to Berea College and the Commonwealth of Kentucky; and

WHEREAS, Berea College participated in the origin of the present Agricultural County Agent program of the U. S. Department of Agriculture by sharing in the employment of the pioneer County Agent forty years ago, and by aiding in the support of the Home Demonstration Agent for the past twenty-six years; and

WHEREAS, Berea College shares its educational resources by furnishing leadership in much needed cultural and recreational activities in the isolated mountain areas; and

WHEREAS, Berea College has led in the preservation of the rich inheritance of the Appalachian folk arts and handicrafts for the enjoyment of all America; and

WHEREAS, the large percentage of Berea graduates find their place of service in the Southern Mountains as teachers, doctors, nurses, agricultural experts, and home economists, thus directly contributing to a higher standard of living; and

WHEREAS, during the year 1955 there are to be held at Berea College in Berea, Kentucky, appropriate ceremonies, conferences, and sixty performances of a drama by Paul Green, commemorating the College's century of service,, which will be attended by the great and the plain people from far and near in this United States, who will have recalled to their minds the cost of freedom, the responsibilities of educated men, and the value of labor as a part of education;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Government and people of the Commonwealth of Kentucky unite with Berea College in Berea, Kentucky, in a fitting observance of the one hundredth anniversary of its founding.

Said motion was agreed to by voice vote.

Said resolution adopted.

Ordered that said resolution be delivered to the Senate.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 194. AN ACT relating to the awarding of Certificates of Merit to Kentucky war veterans who have been decorated or cited while serving the United States in any war, and awarding of Certificates of Military Service to all Kentucky war veterans who have served in any war or campaign that a service medal has been provided for by the United States Government for such military service.

H. B. No. 195. AN ACT relating to educational benefits for the children of certain deceased veterans.

H. B. No. 179. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board.

H. B. No. 45. AN ACT relating to supervisors of taxes in cities of the fourth class.

H. B. No. 159. AN ACT relating to the terms of court in the Twenty-fourth Judicial District.

H. B. No. 182. AN ACT relating to duties of the Kentucky Agricultural Experiment Station in regard to tobacco research, appropriating funds therefor, and amending Section 247.045 of the Kentucky Revised Statutes.

H. Res. No. 32. AN ACT relating to agriculture.

H. B. No. 166. AN ACT relating to stockyards.

H. B. No. 186. AN ACT relating to the condemnation of property for the transportation of material from a mine or quarry.

H. B. No. 241. AN ACT relating to compensation of County Officers and Employes.

H. B. No. 287. AN ACT relating to Banks and Banking and amending KRS Section 287.180 and 287.070.

H. B. No. 284. AN ACT relating to the registration and licensing of the termite and pest control industry.

H. B. No. 117. AN ACT relating to the state flower, and amending Section 2.090 of the Kentucky Revised Statutes.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion was agreed to.

Ordered that said bills and resolutions be placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 140. AN ACT amending KRS 64.150, relating to fees of jailers and increasing certain fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day not exceeding	$ 2.00
Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons	.50
Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.75
Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.75
Imprisoning and releasing a prisoner charged with a misdemeanor	.75

(2) Where the prisoner is confined for a breach of the

bylaws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ---------- .75

Keeping and dieting a prisoner charged with a felony or contempt, per day ---------- 1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ---------- .50

Each day's attendance upon the circuit court------ 2.00

Furnishing fuel, light and water to the circuit court, not exceeding, per day ---------- 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Mrs. Stovall offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, line 18, by deleting after the punctuation comma after the word court, the words and figure:

per day ---------- 1.75

and substituting therefor the following: a fee equal to the reasonable cost of providing such services, not exceeding per day ---------- 1.75

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers

William A. Routh	Eulick Walsh	T. D. Winstead
Cecil C. Sanders	Will Tom Wathen	Charles W. Wirsch
LeRoy Saylor	W. W. Webster	Walker H. Wiseman
Mrs. Thelma L. Stovall	Hicks Wells	Dr. Clyde D. Wooton
E. H. Stumbo	Warren D. Williams	Paul E. Young
James Treadway	Mrs. Randolph Wilson	—80

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Orderd that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 227. AN ACT changing the classification of the city of Loyall, in Harlan County.

Said bill is as follows, Viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Loyall, in Harlan County, is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Loyall, in Harlan County, is transferred from the sixth to the fifth class of cities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway

Eulick Walsh	William B. Wells	Charles W. Wirsch
Will Tom Wathen	Mrs. Randolph Wilson	Walker H. Wiseman
W. W. Webster	T. D. Winstead	Dr. Clyde D. Wooton
Hicks Wells		Paul E. Young

—79

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. Res. No. 19 be taken from the Orders of the Day and adopted.

Said motion was agreed to.

Said resolution was adopted by voice vote.

Said resolution is as follows, viz:

WHEREAS, the Commonwealth of Kentucky has derived, and will continue to derive, many benefits from the operation of the T V A, including a three million dollar annual saving to the residents of twenty-five counties in the Commonwealth of Kentucky who use electricity furnished by the T V A to local distribution systems; and

WHEREAS, the T V A annually purchases millions tof tons of Kentucky coal for use in its steam plants; and

WHEREAS, the Commonwealth of Kentucky benefits from the navigation, flood control, resource development and recreational programs of the T V A; and

WHEREAS, the area served by the T V A is in urgent need of additional electric power for atomic energy and national security purposes as well as domestic purposes, and for new generating facilities to produce the needed power; and

WHEREAS, the funds invested in the T V A represent a sound investment because it is repaid with interest over a forty year period; and

WHEREAS, the people of the area served by the T V A own forty percent of the total investment in the T V A power system through their ownership of local distribution systems, and that investment should not be jeopardized by short-sighted budgetary treatment of the T V A; and

WHEREAS, the admirable reputation of the T V A for accurate forecasts of future power requirements, for honest and practical budget requests, for effective cooperation with state and local agencies, and for great achievement in fostering the progress and prosperity of a region which was once far between the economic standard of the nation, is now being besmirched by false accusations; and

WHEREAS, the T V A, because of its strategic location in the region which it serves and its responsibility to the people of that region for its success, is a dramatic example of effective decentralization of public management;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the President and the Congress of the United States be and they are hereby memorialized and urged to give their most serious consideration to the requests for appropriations which will enable the T V A to continue to serve the region with the same high degree of efficiency.

That the President of the United States, be urged in his Budget Message to Congress, to provide adequate funds for the T V A, and that the President make it clear that the funds for power development will be repaid with interest and that the funds for other statutory programs represent a profitable investment in the nation's future,

That the President and the Congress of the United States be urged by the Congressional delegation from Kentucky to support the T V A as an outstanding example of a unified, carefully integrated program of conservation and resource development, and

That copies of this Resolution be forwarded to the President and Vice-President of the United States, the Speaker of the U. S.

House of Representatives and to the Chairman of the U. S. Senate and U. S. House of Representative Committees on Appropriation.

Mr. McCallum moved that the vote by which said resolution was adopted be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

Mr. Lowman moved that H. Res. No. 6 be taken from the Orders of the Day and adopted.

Said motion was agreed to.

Said resolution was adopted by voice vote.

Said resolution is as follows, viz:

A JOINT RESOLUTION inviting Adlai E. Stevenson to address a joint session of the General Assembly.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Honorable Adlai E. Stevenson be, and he hereby is respectfully invited to address a joint session of the General Assembly of the Commonwealth of Kentucky:

Section 2. That the President of the Senate and the Speaker of the House shall each appoint three members of their respective bodies to constitute a committee, the chairman of which shall be selected by its members, to extend to the Honorable Adlai E. Stevenson an invitation to address a joint session of the General Assembly, and to fix the date and time for such joint session.

Mr. Lowman moved that the vote by which said resolution was adopted be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said resolution be delivered to the Senate.

Mr. Lowman moved that H. Res. No. 10 be taken from the Orders of the Day and adopted.

Said motion was agreed to.

Said resolution was adopted by voice vote.

Said resolution is as follows, viz:

WHEREAS, the general welfare of Eastern Kentucky is dependent upon the full scale operation of the coal industry in that section of the state; and

WHEREAS, all the people of the Commonwealth benefit from the economic well-being of any of its sections; and

WHEREAS, the coal industry in the Big Sandy Valley of Eastern Kentucky is at a distinct disadvantage in competing with coal producing regions of some other states, which are able to ship their coal to market by river as well as other means of transportation; and

WHEREAS, widespread unemployment has developed in the Big Sandy Valley due to this situation; and

WHEREAS, the building of a series of locks and dams on the Big Sandy River would provide a new means of transportation for coal from that area, thereby putting the valley in an equal competitive situation with that of other areas; and

WHEREAS, the impounding of water for flood control and industrial purposes would eliminate the danger of serious floods and induce the location of industry in this area; and

WHEREAS, the U. S. Corps of Engineers has recommended the canalization of the Big Sandy River as being worthy projects of construction by the Federal Government:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to appropriate funds to begin the construction of locks and dams on the Big Sandy River, so as to provide a stage of water which will make possible year-round transportation on that river, and the impounding of water for flood control and industrial purposes. The Congress is requested to make such funds available immediately to the U. S.

Corps of Engineers, so that construction of locks and dams can begin during the year 1954.

Mr. Lowman moved that the vote by which said resolution was adopted be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 80. AN ACT relating to traffic regulations and equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of section 189.040 of the Kentucky Revised Statutes is amended to read as follows:

(4) Flashing lights are prohibited on all motor vehicles except as a means for indicating a right or left turn. This subsection shall not apply to authorized emergency vehicles and wreckers; nor to telephone repair vehicles at the scene of an emergency repair job.

Mr. Bleemel offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 6 and 7 to read as follows:

"nor to public utility repair vehicles at the scene of an emergency repair job".

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put."

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds

Lloyd E. Rogers	James Treadway	Mrs. Randolph Wilson
William A. Routh	Eulick Walsh	T. D. Winstead
Cecil C. Sanders	Will Tom Wathen	Charles W. Wirsch
LeRoy Saylor	W. W. Webster	Walker H. Wiseman
Mrs. Thelma L. Stovall	Hicks Wells	Dr. Clyde D. Wooton
E. H. Stumbo	William B. Wells	—75

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

ENROLLMENT COMMITTEE REPORTS

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 9. AN ACT changing the classification of the City of Junction City, in Boyle County.

H. B. No. 24. AN ACT relating to the execution and operation of a Southeastern Interstate Forest Fire Protection Compact.

H. B. No. 76. AN ACT relating to qualifiaction of members of Poliec and Fire Departments in cities of fourth and fifth classse, and amending Section 95.710 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 31. AN ACT relating to reinstatement of War Veterans in public position or employment held before entering service, and amending Section 61.370 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person (other than a person appointed for a definite term and those persons who received a dishonorable discharge) who has heretofore entered, or shall hereafter enter, service in the Armed Forces of the United States in the war with foreign powers which began on December 8, 1941, or in the Korean conflict with began on June 25, 1950, and who, at the time of entering such service, was employed in a position in any agency or department of the state government, or any political subdivision thereof, shall, upon being discharged from such service, be forthwith reemployed for a period of not less than one year at the same status in the same position in which he was employed at the time he entered service, or if such position no longer exists, in an existing or created position of equal class and compensation rate. Salary increments which would have normally accrued if the veteran had remained in the state service shall be added to the salary he was receiving at the time he entered service in the Armed Forces. If more than one person has en-

tered the Armed Forces from the same position in any agency or department of the state Government, or any political subdivision thereof, and each of such persons desires reemployment in such position, the one with seniority in time of service shall be reemployed in such position and the other shall be employed in the order of their entering military service.

(2) Any person entitled to reemployment under the provisions of this section who, upon application, is not reemployed as required by this section shall have a civil action for damages against the officer having the power of appointment to such position, and said action shall be brought in the courts of the county where the office of the person violating this section is located. In addition to the civil liability, any officer having the power of appointment to a position in which any person is entitled to reemployment under this section, who fails, upon due application, to make such reemployment, shall be fined not less than one hundred dollars nor more than five hundred dollars, in the courts of the county where the offense is committed.

(3) This section is not intended to require the reemployment of any person unless such person makes application for reemployment within three months after his discharge from service in the Armed Forces nor unless such person is physically able to perform the duties of the position in which he seeks reemployment.

(4) "Person" as used in this section shall mean and include all employes other than heads of departments and those persons employed in an emergency, provisional temporary or probational status at the time of entering the military service.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Alton B. Mitchell
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 197. AN ACT relating to credit unions, and amending Sections 290.010, 290.080, 290.120, 290.130, 290.200, 290.220 and 290.230 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 290.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Corporation" means a credit union organized as provided in this chapter;

(2) "Director of Banking" means the Commissioner of Banking, and

(3) "Temporary Loan" means any loan by a credit union which when made is payable not later than the next regular payday or, the next regular deduction pay period of the borrower.

Section 2. Section 290.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The membership of the corporation shall consist of the incorporators, and such persons, societies, associations, partnerships, and corporations, as have been duly elected to membership, and have subscribed for one or more shares and have paid for the shares in whole or in part, together with the entrance fee as provided in the bylaws and have complied with such other requirements as the articles of incorporation and the bylaws specify.

(2) Membership in each corporation shall be limited to those persons, societies, associations, partnerships, and corporations, and the members of the immediate family living in the same household of such persons, societies, associations, partnerships, and corporations, which, independent of their membership in the credit union, have a mutual affiliation by either:

(a) Duly enrolled membership in a religious, social or educational group or association;

(b) Identity of profession, occupation, trade or business, so long as members of such profession, occupation, trade or business are bona fide members of a common bona fide profession, occupation, trade or business group;

(c) Identity of their employer, including subsidiary and affiliated companies; or

(d) Location for common residential or occupational purposes, within an area, to be defined in the bylaws, containing, at the time the credit union is organized, not more than two thousand persons, societies, associations, partnerships, or corporations eligible to become members of such credit union.

(3) The officers, directors and members of committees of credit unions organized in this state, and of Federal credit unions operating in Kentucky, may form a credit union in which they, and credit unions so operating, may have membership.

Section 3. Section 290.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the annual meeting the members shall elect a board of directors as prescribed by the bylaws which shall consist of not less than five nor more than fifteen members, a credit committee and a supervisory committee of not less than three members each. A director shall not serve on any committee mentioned in this section. No member shall serve on more than one of these committees at the same time.

(2) Each director, officer and member of a committee shall take an oath that he will, as far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation and will not knowingly violate or willingly permit to be violated

any of the provisions of law applicable to the credit union, and that he is the owner in good faith and in his own right on the books or the corporation of at least one share therein. Such oath shall be subscribed by the individual taking it and certified by the officer before whom it was taken and shall immediately be transmitted to the director of banking and be filed and preserved in his office.

Section 4. Section 290.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the first meeting of the Board of Directors and at the first meeting of the board following the annual membership meeting in each fiscal year, the board shall elect from their number a president, vice president, secretary and treasurer. The offices of secretary and treasurer may, if the bylaws so provide, be held by one person. The board of directors shall have the general management of the affairs, funds and records of the corporation and shall meet as often as necessary.

(2) Unless the bylaws reserve all or any of the following duties to the members, the directors shall:

(a) Act upon all applications for membership and the expulsion of members;

(b) Determine the rate of interest, consistent with the provisions of this chapter, which shall be allowed on deposits and charged on loans;

(c) Fix the maximum number of shares which may be held by and the maximum amount which may be loaned to any one member, declare dividends and recommend amendments to the bylaws;

(d) Fill vacancies in the board of directors and in the credit committee until the election and qualification of successors;

(e) Have charge of the investment of funds other than loans to members;

(f) Employ persons necessary to carry on the business of the credit union;

(g) Perform such other duties as the members authorize from time to time;

(h) Appoint such special committees as the board deems appropriate.

(3) Each director, officer, member or employe having custody of funds shall be bonded. The type and amount of each bond shall be fixed by the board of directors, subject to the following:

(a) If the assets of the credit union amount to less than $50,000 the bond shall be a blanket type bond or a position type faithful performance bond in an amount not less than twenty percent of the total assets;

(b) If the assets of the credit union amount to $50,000 or more, the bond shall be a blanket type faithful performance bond of a minimum amount determined as follows:

Assets	Amount of Bond
$50,000 to $200,000	20% of total assets
$200,000 to $400,000	20% of first $200,000
	15% of amount over $200,000
$400,000 to $600,000	20% of first $200,000
	15% of second $200,000
	5% of amount over $400,000
$600,000 and over	20% of first $200,000
	15% of second $200,000
	5% of third $200,000
	2½% of amount over $600,000

(4) Except as provided herein, no officer, director or member of the credit committee or supervisory committee shall receive any compensation, directly or indirectly, for services he performs in such capacity. The board of directors may fix reasonable compensaiton for the treasurer, assistant treasurer, and office personnel.

Section 5. Section 290.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) A credit union may lend its funds to its members at rates of interest not exceeding one percent per month on the un-

paid balance of the loan, which amount shall be lieu of all other charges incident to the making of the loan, except fines for delinquent payments, and in case of secured loans, premiums incurred in the carrying of insurance against the loan, mortgage recording fees, title examination fees, and such other reasonable charges as are necessarily incident to the effective protection of the loan by the security offered.

(2) In the case of a temporary loan, a credit union may charge a fee of twenty-five cents when a loan is in an amount of twenty-five dollars or less, and a fee of fifty cents when the loan is in an amount more than twenty-five dollars.

Section 6. Section 290.220 of the Kentucky Revised Statutes is amended to read as follows:

In addition to the manner provided in KRS 386.030, the capital, deposits, undivided profits, reserve fund and other assets of a credit union, to the extent such resources are not utilized for loans to members as provided in this chapter, may be invested in the following ways:

(1) They may be deposited to the credit of the corporation in state credit unions; state or national banks doing commercial banking; federal credit unions operating in Kentucky; and in savings and loan associations.

(2) Not more than ten percent of the capital stock and reserve funds of a credit union may be invested in the stock of other credit unions, including federal credit unions operating in Kentucky.

(3) They may be invested in:

(a) Bonds and other interest-bearing obligations of the Federal Government.

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act; as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and Bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations.

Section 7. Section 290.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) A credit union may make loans, including temporary loans, to its members for provident and productive purposes, and upon such security and terms as the by-laws provide. Additional security must be taken for that part of any loan which is in excess of the total of (a) the amount of shares pledged by the member, and (b) three hundred dollars. Endorsement of a note or assignment of shares shall be deemed security within the meaning of this section, but such security shall not be qualified until after approval by the credit committee.

(2) A member who needs funds with which to purchase necessary supplies for current crops may receive a loan payable in periodic payments rather than fixed monthly installments.

(3) No officer, member of the board of directors, or member of the credit or supervisory committee shall borrow more than the amount of his investment in the credit union, as represented by fully paid shares, accumulated dividends and deposits, unless so authorized by the members of the credit union at an annual meeting, or at a special meeting called for such purpose, except that any director, or member of a credit committee or a supervisory committee may borrow not more than three hundred dollars from the credit union without security. If an application for a loan is made by a member of the credit committee, then the supervisory committee shall appoint a substitute to act in the place of the prospective borrower in the consideration of such loan. No director, officer, or member of the credit or supervisory committee shall become an endorser for a borrower, unless so authorized by the members of the credit union at an annual meeting, or at a special meeting called for that purpose.

(4) A borrower may repay the whole or any part of his loan on any day that the office of the credit union is open for business.

(5) No officer or member of a committee shall knowingly permit or participate in making a loan of the funds of a credit union to a non-member, the credit union may recover such illegal loan from the borrower, or from any officer or any member of a committee who knowingly committed or participated in the making thereof, or from all of them jointly.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	Albert Dempsey
Walter J. Bailey	Edward O. Bridgers	C. E. Dowell
John Rhea Banton	Harry M. Caudill	Harold Edmonds
Clarence J. Barnum	Cassius M. Clay	Herbert Fern
Wallace Bartley	Paul Cobb	Thomas P. Fitzpatrick
Charles E. Baumgardner, Sr.	William J. Conley	Cabell D. Francis
Owen Billington	R. Josh Cosby	W. L. Hadden
Leo A. Bleemel	Charles W. Craig	C. Ruby Harralson
J. C. Bradley	W. Marvin Davis	George F. Harris
	John L. Day	David Heskamp

Lon C. Hill	Robert K. Montgomery	Mrs. Thelma L. Stovall
Estill R. Hilton	Walter R. Moorman	Eulick Walsh
Chester J. Holsclaw	Eddie J. Morris	Will Tom Wathen
Varna Holt	Thomas J. Murphy	W. W. Webster
William M. Horn	Goebel W. Newsom, Jr.	Hicks Wells
Jennings H. Kearby	Foster Ockerman	William B. Wells
Talmage Lacy	Louis T. Peniston	Mrs. Randolph Wilson
George H. Lovelace	Edward D. Pollitte	T. D. Winstead
Harry King Lowman	L. M. Tipton Reed	Charles W. Wirsch
Ralph E. McClanahan	Russell Reynolds	Walker H. Wiseman
William E. Maglinger	Lloyd E. Rogers	Dr. Clyde D. Wooton
Damon Majors	William A. Routh	Paul E. Young
George R. Martin	Cecil C. Sanders	
Tom Mobley	LeRoy Saylor	—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 144. AN ACT relating to public works in cities other than the first class, repealing subsection (4) of Section 94.316 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of Section 94.316 of the Kentucky Revised Statutes is repealed.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Ockerman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Damon Majors
George R. Martin
Alton B. Mitchell
Tom Mobley
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
James Treadway

Eulick Walsh	William B. Wells	Walker H. Wiseman
Will Tom Wathen	Warren D. Williams	Dr. Clyde D. Wooton
W. W. Webster	T. D. Winstead	Paul E. Young
Hicks Wells	Charles W. Wirsch	–74

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 157. AN ACT changing the classification of the city of Silver Grove, in Campbell County.

Said bill is as follows, Viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Silver Grove, in Campbell County, is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Silver Grove, in Campbell County, is transferred from the sixth to the fifth class of cities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 18. AN ACT relating to refund of ad valorem taxes and of unconstitutional taxes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection 1 of Section 134.590 of the Kentucky Revised Statutes is amended to read as follows:

When it appears to the Department of Revenue that money has been paid into the State Treasury for ad valorem taxes when no such taxes were in fact due, or for taxes of any kind paid under a statute held unconstitutional, the Department of Revenue shall refund the money, or cause it to be refunded, to the person who paid the same. This shall not authorize a refund to a person who has made payment of the tax due on any tract of land, unless the entire tax due the state on such land has been paid.

No such refund shall be made unless application for same is made in each case within two years from the time payment was made.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Alton B. Mitchell
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was

passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 21. A JOINT RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe Jr., of Boyle County, Kentucky, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Margaret M. Hoppe and Carl Hoppe, Jr. be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate them for the injuries and damages, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof in maintaining Kentucky State Highway Number 33 in Boyle County, Kentucky.

Section 2. Said suit on behalf of Margaret M. Hoppe shall be for a sum not in excess of twenty-five thousand dollars, and said suit on behalf of Carl Hoppe, Jr., shall be for a sum not in excess of one thousand five hundred and forty dollars.

Section 3. That the action herein authorized and permitted may be brought in Boyle Circuit Court, same being the Circuit Court having jurisdiction in Boyle County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Boyle Circuit Court to the Court of Appeals of Kentucky as in any other civil suit

and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways thereof, or either of them, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Rhea Banton	Charles E. Baumgardner, Sr.
Walter J. Bailey	Clarence J. Barnum	Owen Billington
	Wallace Bartley	

Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 20. A JOINT RESOLUTION authorizing Eugene Patterson of Leixngton, Fayette County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways.

Said Resolution is as follows, Viz:

Whereas, on the 30th day of November, 1953, while Eugene Patterson was operating a motor vehicle upon Brooklyn Bridge which spans Kentucky River between Mercer and Jessamine Counties, on Highway U. S. Number 68, said bridge collapsed and fell with the result that the said Eugene Patterson was severely and permanently injured and damaged in the total sum of Thirty-Six Thousand Two Hundred Eighty-Five Dollars and Twenty ($36,285.20) Cents, and,

Where, it appears that the Commonwealth of Kentucky and the Department of Highways, or either, acting by and through their agents, servants and employees, may be responsible for said damages.

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Eugene Patterson, of Lexington, Fayette County, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Mercer Circuit Court for damages to his person resulting from the falling of said Brooklyn Bridge and caused by the negligence on the part of the Commonwealth of Kentucky and the Department of Highways, or either, acting through their agents, servants and employees, who were then acting within the scope of their authority.

2. That said action shall be for a sum not in excess of Thirty-Six Thousand Two Hundred Eighty-Five Dollars and Twenty ($36,285.20) Cents.

3. The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if in his opinion such settlement is for the best interest of the Commonwealth of Kentucky and the Department of Highways. Any sum recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and Judgment rendered by the

Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the Court or Jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways, or either, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the Jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	Edward O. Bridgers
Walter J. Bailey	Owen Billington	Harry M. Caudill
John Rhea Banton	Leo A. Bleemel	Paul Cobb
Clarence J. Barnum	J. Murray Blue	William J. Conley
Wallace Bartley	J. C. Bradley	R. Josh Cosby
		Charles W. Craig

W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 23. A RESOLUTION authorizing Ruby G. Wicker, personal representative of Burtis Wicker, to sue the Department of Highways and the Commonwealth of Kentucky, or either of them.

Said Resolution is as follows, Viz:

WHEREAS, on or about April 8, 1953, at approximately 6:00 P. M., the said Burtis Wicker, while operating a low boy and

trailer loaded with a D-8 tractor, owned by R. R. Dawson Bridge Company, Bloomfield, Kentucky, along a public highway known as Kentucky State Highway 40 in Johnson County, Kentucky, entered upon the bridge over the Levisa Fork of the Big Sandy River and went through the main span of said bridge and plunged into the said Levisa Fork of the Big Sandy River, causing his death.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Ruby G. Wicker, personal representative of Burtis Wicker, is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Johnson Circuit Court, this being the county in which the death of Burtis Wicker occurred.

Section 2. The said suit of Ruby G. Wicker, personal representative of Burtis Wicker, shall be for an amount not exceeding $35,000.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth of Kentucky and the Department of Highways, or either of them, and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy

Goebel W. Newsom, Jr.	Russell Reynolds	Will Tom Wathen
Foster Ockerman	Lloyd E. Rogers	W. W. Webster
Louis T. Peniston	William A. Routh	Hicks Wells
Edward D. Pollitte	Cecil C. Sanders	Mrs. Randolph Wilson
Paul T. Ratcliffe	LeRoy Saylor	Charles W. Wirsch
Jack Raybourne, Jr.	Mrs. Thelma L. Stovall	Walker H. Wiseman
L. M. Tipton Reed	James Treadway	Dr. Clyde D. Wooton
Robert Reid	Eulick Walsh	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 25. A JOINT RESOLUTION authorizing Mitchell Preston to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mitchell Preston is authorized to sue the Department of Highways and the Commonwealth of Kentucky, or either, in the Lawrence Circuit Court, for damages and medical expenses resulting from personal injuries, loss of time and property damages, caused by alleged negligence on the part of the Department of Highways, by and through its officers, agents and employes acting or failing to act in the line of their duties.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he

deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Rhea Banton	Charles E. Baumgardner, Sr.
Walter J. Bailey	Clarence J. Barnum	Owen Billington
	Wallace Bartley	

Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. No. 47. AN ACT relating to Legislative Research Commission.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the House return said bill to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in that body as follows, viz:

S. Res. No. 4. A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

S. B. No. 33. AN ACT relating to juries.

S. B. No. 98. AN ACT relating to the powers of counties containing a city of the first class with respect to regulation of the erection, construction, reconstruction, relocation, remodeling, alteration, repair and maintenance of buildings within such county.

S. B. No. 69. AN ACT relating to school property.

Said bills and resolutions ordered printed and referred.

Mr. Lowman moved that the House adjourn until 1:00 P.M. Tuesday, February 16, 1954.

Said motion was agreed to.

And the House did then adjourn.

TUESDAY, FEBRUARY 16, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Robert J. Laughlin, Pastor of the First Presebyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the rules of the House be suspended for the purpose of having Committee reports.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 142. AN ACT relating to the issuance of motor vehicle operators' licenses and repealing subsection (2) of section 186.410 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 199. AN ACT relating to sheriffs' revenue bonds.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 201. AN ACT relating to excise taxation of amusement admissions.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 203. AN ACT relating to motor vehicle liability insurance.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 205. AN ACT relating to property taxation.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 267. AN ACT relating to compensation of public officers and employees.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 279. AN ACT relating to unemployment insurance and amending sections 341.295, 341.350, 341.440, and 341.450 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 96. AN ACT relating to the fraudulent display of badges or organizations, and amending subsection (2) of Section 434.060 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 214. AN ACT relating to the liability of operators

of automobile parking lots or automobile storage garages for safekeeping and return of automobiles and their contents.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 246. AN ACT relating to the providing of facilities for circuit courts and county officers by fiscal courts in counties in which circuit court is, or may be, held at two places, and providing for the issuance of revenue bonds for the payment for construction involved therein, and amending Section 23.090 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wells, Chairman of the Committee on Roads and Highways, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 196. AN ACT relating to speed and the parking of motor vehicles.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Banton, Chairman of the Committee on Cities of the Fourth Class, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 268. AN ACT relating to and prohibiting, except upon certain conditions, the damming and diverting of water from stretches of navigable streams on which are located dams of fourth-class cities which operate waterworks dependent upon such dams.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 40. AN ACT relating to public assistance payments and repealing Sections 205.260, 205.270, and 205.290 of the Kentucky Revised Statutes.

Without an expression of opinion.

Mr. Caudill moved that H. B. No. 40, which was reported by the Committee on Kentucky Statutes No. 1 without an expression of opinion, be given its first reading and placed in the Calendar, notwithstanding the report of the Committee to the contrary.

Said bill is as follows, viz:

H. B. No. 40. AN ACT relating to public assistance payments and repealing Sections 205.260, 205.270, 205.280 and 205.290 of the Kentucky Revised Statutes.

A roll call having been demanded by Mr. Caudill and Mr. Newsom on said motion was as follows, viz:

Those who voted in the affirmative were—

Wallace Bartley	Harold G. Helm	Carl D. Melton
J. Murray Blue	Henry R. Heyburn	Alton B. Mitchell
Charles W. Buchanan	Lon C. Hill	Goebel W. Newsom, Jr.
Harry M. Caudill	Estill R. Hilton	Roger E. Qualls
Cassius M. Clay	Varna Holt	Jack Raybourne, Jr.
Charles W. Craig	Jennings H. Kearby	Russell Reynolds
W. Marvin Davis	Talmage Lacy	William A. Routh
Albert Dempsey	James W. Lambert	LeRoy Saylor
James A. Dressman, Jr.	Shelby McCallum	W. R. Smith
O. O. Duncan	Ralph E. McClanahan	E. H. Stumbo
Harold Edmonds	Caleb McFadden	James Treadway
Cabell D. Francis	William C. Mann	Hicks Wells
C. Ruby Harralson	William J. Marcum	Charles W. Wirsch
	George R. Martin	Dr. Clyde D. Wooton

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Those who voted in the negative were—

John Rhea Banton	David Heskamp	C. Waitman Taylor
Edward T. Breathitt, Jr.	William M. Horn	Will Tom Wathen
Paul Cobb	George H. Lovelace	T. D. Winstead
R. Josh Cosby	Robert Reid	Paul E. Young
	Cecil C. Sanders	

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The yeas and nays having been taken, the motion was disagreed to by a vote of 41 to 13.

Said motion requires a majority of the elected members of the House.

So said bill was rejected.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bill of the following title, viz:

S. B. No. 18. AN ACT relating to refund on ad valorem taxes and of unconstitutional taxes.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature.

Ordered that the enrolling clerk of the House return said bill to the Senate.

Mr. Helm moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Helm moved that Miss Nina Francis Russell be granted the privilege of the floor, and that the Speaker appoint a committee to escort Miss Russell, Miss 1954 Queen of the R.E.A. representing Kentucky at Miami, to the House Chamber.

Said motion was agreed to.

The Speaker appointed the following committee: Mr. Bartley, Mr. Holt, Mr. Mitchell, Mr. Craig, Mr. Helm, Mrs. Stovall, and Mrs. Wilson.

Mr. Lowman introduced Mrs. Ruby Laffoon, wife of the late Governor Ruby Laffoon, and moved that she be given the privilege of the floor.

Said motion was agreed to.

Mr. Hobart Rayburn moved that Sara Lou Qualls and Linda Lou Qualls be made honorary pages.

Said motion was agreed to.

Mr. Davis moved that Judith Ann Browning be made an honorary page.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Lowman.

H. B. No. 325. AN ACT relating to interstate toll bridges, amending Chapter 180 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Chapter 180 of the Kentucky Revised Statutes is amended by creating and adding thereto Section 180.105, reading as follows:

"Sections 180.105 — Construction, Enlargement and Improvement of Interstate Toll Bridges constituting a United Bridge Project:

Whenever the Department of Highways has heretofore or may hereafter provide for uniting two or more interstate toll bridges into a single bridge project for financing purposes said Department may, notwithstanding any other provision of this chapter to the contrary, construct, enlarge and improve any bridge or bridges constituting such bridge project, and issue bonds from time to time ranking on a parity with each other for the purpose of paying the cost thereof, and may charge and collect tolls for traffic over the bridge or bridges constituting such project, and, after setting aside each year the prescribed amount of tolls and other revenues for interest and sinking fund for revenue bonds then outstanding for account of the bridge project, may use and apply all or any part of

the balance thereof during each such year to the payment of all or any part of the cost of operation and maintenance of the bridge or bridges constituting such project, the costs of preliminary surveys, estimates and plans and specifications for the construction of an additional bridge or bridges or for enlargements and improvements to a bridge or bridges constituting a part of such project; provided, no bridge shall be so constructed, enlarged or improved, nor shall any tolls or other revenues from a bridge or bridges constituting a bridge project be used or applied except as may be permitted and provided in the trust indenture securing any bridge revenue bonds theretofore issued and then outstanding.

Section 2. Chapter 180 of the Kentucky Revised Statutes is amended by creating and adding thereto Section 180.106, reading as follows:

"Section 180.106 — Cost of Maintenance, Operation, Repair and Reconstruction of Interstate Toll Bridges.

Notwithstanding the provisions of any other section of this chapter, the Department of Highways may repair, enlarge or reconstruct any interstate bridge which at the time is being maintained and operated at the expense of the Department without contribution from the other state concerned or any of its instrumentalities, and may continue or reimpose, charge, and collect tolls for traffic over such interstate bridge for the purpose of paying the cost thereof, including the cost of any bonds issued for such purposes.

Section 3. KRS 180.070 is amended to read as follows:

"Negotiable Bridge Bonds May be Issued. The Department may issue negotiable bonds in order to raise funds to:

(1) Acquire right of ways or other real or personal property necessary for constructing a bridge or bridge approach:

(2) Pay for the purchase or condemnation of a bridge or a bridge approach;

(3) Build or cause to be built any bridge including approaches;

(4) Pay for the preparations of plans, specifications and

blueprints, and other expenses incidental to the building or purchase of the bridge or bridge approach; and

(5) Pay the cost of bridge repair, enlargement, or reconstruction authorized under KRS 180.105 or KRS 180.106."

By Mr. Lowman.

H. B. No. 326. AN ACT relating to investments in real property by insurers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.437 of the Kentucky Revised Statutes is amended to read as follows:

(1) It is hereby declared to be the policy of the Commonwealth of Kentucky that the investment of funds in real and personal property as now or hereafter provided by KRS Chapter 304 be recognized as a normal, proper, necessary, and integral part of the legitimate business of insurance companies, including corporate insurers, organized in Kentucky or authorized to transact insurance in Kentucky.

(2) An insurer shall own or have its funds invested in ownership and repair, alteration, furnishing, or improvement of the following real property only:

(a) The building in which is located its home office and the land upon which it is situated, together with such other real property as is requisite for its accommodation in the convenient transaction of its business, all subject to the provisions of KRS 304.438;

(b) Real property acquired in satisfaction of or on account of loans, mortgages, liens, judgments, or other debts previously owing to the insurer in the course of its business;

(c) Real property acquired by gift or devise;

(d) Unencumbered real property acquired in exchange for real property owned by it. If necessary in order to consummate such an exchange, the insurer may put up cash in amount not to exceed twenty percent of the fair value of its

real property to be so exchanged, in addition to such property;

(e) Real property acquired through a lawful merger or consolidation with it of another insurer and not required for the purpose specified in item (a) of this subsection;

(f) Upon approval of the commissioner, real property and equipment incident to real property, requisite or desirable for the protection or enhancement of the value of other real property owned by the insurer;

(g) Real property under lease, or for lease in accordance with an existing arrangement therefor, for industrial or commercial purposes, other than real property for agricultural, horticultural, ranch, mining, mineral, recreational, amusement, club, or hotel purposes, the terms of which lease provide for a net rental sufficient to amortize the investment in such property and improvements thereon with interest at a minimum of three percent per annum over the primary term of the lease or a period of forty years which ever is less. The aggregate of investments of the insurer in all real property under this paragraph (g) shall not exceed three percent of its assets, and no one such investment shall exceed one-half of one percent of such assets.

(2) Except as provided in KRS 304.438, an insurer shall not have invested in any one parcel or related parcels of real property, acquired subsequent to June 14, 1934, (other than real property acquired pursuant to paragraph (g) of subsection (1) of this Section, and improvements thereof) or in the repair, alteration, furnishing or improvement thereof, any of its funds in excess of five percent of its assets.

Section 2. There is hereby created a new Section of the Kentucky Revised Statutes to read as follows:

All property acquired by an insurer under KRS 304.437 or 304.453 shall be deemed to be property that is proper and necessary for carrying on its legitimate business within the meaning of KRS 271.145.

By Mr. Lowman.

H. B. No. 327. AN ACT relating to fire prevention and protection.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Insurance;

(2) "Department" means the Department of Insurance;

(3) "Fire loss" means loss of or damage to property, loss of life or personal injury, by fire, lightning or explosion;

(4) "Owner" means any person who owns, occupies or has charge of any property;

(5) "Property" means property of all types, both real and personal, movable and immovable;

(6) "Rule" or "regulation" means a general order of the commissioner, designed for the prevention of fire loss, which affects or may affect property rights of a designated class of owners or for the prevention of fire loss by certain indicated hazards;

(7) "Order" or "special order" means an order of the commissioner, designed for the prevention of fire loss, which affects or may affect the property rights of a particular owner or designated property.

Section 2. Any power, duty or function vested in the commissioner, by any provision of this Act may be exercised, discharged, or performed by any deputy or assistant of the department acting in the commissioner's name and by his delegated authority.

Section 3. (1) The commissioner shall enforce or aid in the enforcement of all laws, regulations and ordinances of the state and its political subdivisions relating to fire loss as herein defined:

(a) The prevention or reduction of loss by fire or by other hazard or risk insured by property or casualty insurance companies doing business in this state, except as to disability insurance and workmen's compensation, and shall enforce any other

regulations or methods adopted for the prevention of loss from such hazards or risks in order to promote the safety of persons or property;

(b) The manufacture, transportation, storage, sale or use of combustibles, explosives and hazardous materials or equipment;

(c) The design, construction, and maintenance of property which has a direct bearing on safety to life and property;

(d) The construction, installation, maintenance or equipment of fire alarm systems, fire protection and extinguishing equipment, and fire escapes and other means of access to or exit from property;

(e) Arson and related offenses.

(2) The commissioner is authorized to:

(a) Investigate the cause, origin, and circumstances of fires and explosions for the purpose of detecting and suppressing arson and related offenses, or for the purpose of minimizing or preventing fire loss;

(b) Supervise and make periodic inspections of all property within the state, and assist cities having fire departments in making like periodic inspections of all property in such cities, except occupied private dwellings;

(c) Make and enforce reasonable rules and orders for the prevention of fire loss, and for the adoption, approval, and installation of such safety equipment as will minimize fire loss;

(d) Provide technical and engineering advice and assistance to state and local governmental agencies in relation to fire prevention or fire protection;

(e) Direct and assist owners of educational institutions, places of public assembly, institutional buildings, public buildings, factories, business buildings, or other places where persons congregate, in the instruction of fire prevention, and the holding of fire drills;

(f) Conduct fire prevention and educational campaigns;

(g) Conduct examinations into the cause, origin, or circumstances of fire losses;

(h) Hold such hearings as he may deem necessary or desirable as to any matter within the scope of this Act.

Section 4. The commissioner shall appoint a State Fire Marshal and such deputy fire marshals, assistants and employes as are necessary to carry out the purposes of this Act. The state fire marshal, under the general direction of the commissioner, shall enforce and administer the provisions of this Act and rules and regulations issued hereunder. The chief of each city fire department and the sheriff of each county, shall be deemed deputies when ordered by the commissioner to act as such for their respective cities and counties.

Section 5. The deputy fire marshal for any city or county in which fire loss occurs, shall immediately investigate the origin and circumstances of the fire and determine the cause of the fire so far as practicable. If it appears to the deputy that the fire is of suspicious origin he shall immediately notify the department.

Section 6. Every insurer authorized to transact business in this state shall report to the department, such loss or damage by fire, lightning, or explosion occurring to property insured by such insurer in this state, as may be, and in the manner prescribed by the commissioner. Provided, however, the commissioner may waive the reporting of such losses which are deemed unimportant because of the small amount involved to the end that a saving in time and expense will result.

Section 7. From the reports made to him, the commissioner shall keep a record of fire losses occurring in this state and of facts concerning them. He shall make such compilations, investigations and statistical summaries as he deems proper, all of which shall be kept as permanent records in his office. All such records shall be public, except that the commissioner may, in his discretion, withhold from the public statements and testimony taken in an investigation or examination, correspondence relating to an investigation or examination, confidential reports of private persons and agents, and reports of investigations of fire losses.

Section 8. (1) The department shall have jurisdiction over all property in the state insofar as it is necessary for the administration and enforcement of all laws, ordinances, rules and regulations designed to protect the public from fire loss.

(2) The commissioner may at all reasonable hours of the day or night enter in or upon any property to make an inspection or investigation for the purpose of preventing fire loss or determining the origin of any fire, but this subsection shall apply to the interior of private, occupied dwellings only when a fire has occurred therein or when the officer has reason to believe that unsafe fire conditions exist in the building.

(3) No person shall obstruct, hinder or delay such an officer in the performance of his duty.

Section 9. (1) The commissioner, may subpoena witnesses, administer oaths, require the production of books, papers, accounts, documents and other records or materials of an evidentiary nature and may examine witnesses in any investigation, hearing, action or proceeding authorized under this Act.

(2) Examinations may be public or private. Persons other than those required to be present may be excluded from the place where the examination or hearing is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(3) If any person fails to respond to a subpoena, or refuses to be sworn, or refuses to testify, or fails or refuses to produce any record or material called for, or fails or refuses to comply with a lawful order of the commissioner, or performs any contemptuous or contumacious act after being summoned to appear in connection with an investigation, hearing, action or proceeding authorized under this Act, the commissioner shall certify the facts to the circuit court of the county in which the offense was committed. That court shall have jurisdiction to hear, try and punish such persons as in other cases of contempt.

(4) The same fees shall be paid for the service of process, the taking of depositions and for the services of stenographers as is provided for like services in circuit court.

Section 10. If, after an investigation or examination, the commissioner believes that the evidence concerning a fire indicates that a crime has been committed he shall furnish all data of an evidentiary nature in his possession to the county attorney of the county in which the fire took place, or the Commonwealth's attorney in that district, and request that such attorney institute such criminal proceeding as the evidence warrants.

Section 11. (1) The commissioner shall promulgate reasonable rules and regulations based upon good engineering practice and principles as embodied in recognized standards of fire prevention and protection, providing for a reasonable degree of safety for human life against the exigencies of fire and panic, and ensuring as far as is practicable against fire loss. Such rules and regulations shall be known as the Standards of Safety.

(2) In making such rules and regulations the commissioner shall establish minimum fire prevention and protection requirements, including but not limited to requirements for design, construction, installation, operation, storage, handling, maintenance or use of the following: structural requirements for the various types of construction; building restrictions within congested districts; exit facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency drills; requirements for buildings of public assembly; flue and chimney construction; heating devices; electrical wiring and equipment; air conditioning, ventilating and other duct systems; refrigeration systems; flammable liquids, oil and gas wells; garages, repair and service shops; application of flammable finishes, explosives; acetylene, liquefied petroleum gas and similar products; calcium carbide and acetylene generators; dry cleaning and dyeing plants; flammable motion picture film; combustible fibres; airports and airport buildings; hazardous chemicals; rubbish; open flame devices; parking of vehicles; dust explosions; lightning protection; and other special fire hazards.

Section 12. The commissioner shall conduct a hearing prior to the issuance of rules and regulations promulgated pursuant to Section 11 of this Act. At such hearing interested parties shall be given an opportunity to be heard in person or by counsel. At least ten days in advance of the hearing the commissioner shall cause a notice of such hearing to be published in two or more

daily newspapers of general circulation published and circulated in this state. No defect or inaccuracy in the notice or in its publication shall invalidate any such rules or regulations.

Section 13. This Act shall not deprive the authorities of any county, city or other political subdivision, of any power or jurisdiction over any property. Whenever the commissioner, by rules and regulations prescribes a standard of safety from fire loss, such rules and regulations shall establish a minimum requirement concerning the matters covered thereby and shall be so construed in relation to any local rules and regulations.

Section 14. (1) Whenever the commissioner finds that any property is not safe as to fire loss, under the terms and conditions of this Act, and under the regulations promulgated, or that the practices or methods of operation or processes employed or used in connection therewith do not afford adequate protection from loss, under this Act or under such regulations, he shall order that additions, improvements or changes be made and such equipment be provided as will reasonably render the property safe.

(2) Before any such order is made a hearing shall be held in accordance with the provisions of KRS 304.044, 304.046 and 304.048.

(3) Appeals from any order or action of the commissioner under this Section may be taken in the manner prescribed in KRS 304.050 and 304.052.

Section 15. Whenever the commissioner or other officer has reason to believe that a fire hazard should be corrected and he is unable to determine after a diligent search the owner of any property to be affected, he shall post notice of a hearing concerning such hazard in a conspicuous place on or near such property and shall publish such notice in a newspaper of general circulation in the county in which the property is located. The hearing shall be held in accordance with Section 14 of this Act at the time and place specified in the notice as if such notice had been served on the owner.

Section 16. The commissioner shall keep a permanent record of all orders, rules and regulations. Each such order, rule or

regulation, shall be admissible in any prosecution for the violation of any of its provisions. Provisions of an order, rule or regulation shall be presumed to be lawful and to fix a reasonable and proper requirement and standard of safety from fire loss.

Section 17. If any owner fails to comply with an order of the commissioner, or with an order as modified on appeal, the commissioner may cause the property to be repaired, or removed if repair is not feasible, or all fire hazard conditions remedied, at the expense of the owner. Such expense may be enforced against any property of such owner, and the commissioner and those employed by him to do the work or who furnish materials or equipment therefor, shall have a lien for such expense on the real estate property involved.

Section 18. (1) The chief of the fire department of a city, or any officer or member of his department designated by him for that purpose, is authorized to inspect all property for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire loss, or determining the cause or origin of any fire loss, or discovering any violation of a law or ordinance relating to fire prevention and protection. This authority shall apply to the interior of occupied, private dwellings only when a fire loss has occurred therein or when the officer has reason to believe that unsafe conditions exist in the building. Inspections of property in the territory served by the fire department shall be made as often as practicable or as often as the city legislative body may direct.

(2) A written report of each inspection shall be made and kept on file in the office of the chief of the fire department. Reports of investigations of fire losses conducted by a fire department may, in the discretion of the chief of the fire department, be withheld from the public.

Section 19. (1) Whenever the chief of the fire department of a city, or any officer or member of his department designated by him for that purpose, finds any property which, for want of repairs, lack of sufficient fire escapes, age, dilapidated condition or any other cause, is especially liable to fire loss, or whenever an officer finds in any property combustible or explosive matter or inflammable materials likely to result in fire loss,

he shall order it to be remedied. The order shall forthwith be conformed to by the owner of the property.

(2) The owner may appeal to the commissioner within ten days following receipt of the order. The commissioner shall, within twenty days, review the order and file his decision. The order shall remain in full force until it is revoked or modified by the commissioner.

Section 20. If any owner fails to comply with an order issued pursuant to Section 19 of this Act or with an order as modified on appeal to the commissioner, the officer may cause the property to be repaired, or removed if repair is not feasible, and all fire hazard conditions remedied, at the expense of the owner. Such expense may be enforced against any property of such owners and the officer and those employed to do the work or who furnish materials or equipment therefor shall have a lien for such expense on the real estate or property involved.

Section 21. (1) No owner shall fail to furnish and use reasonable adequate protection and safeguards against fire loss, or fail to adopt and use processes and methods reasonably adequate to render such places safe from fire loss.

(2) No owner shall require or allow the public or any employe to go into or be in any property under his control which is not reasonably safe from the fire loss.

Section 22. Any person who violates any provision of this Act or any provision of a lawful order, rule or regulation made under the provisions of this Act, or who induces another to violate any provisions of this Act or of any lawful order, rule or regulation made thereunder, shall be fined not less than ten dollars nor more than five hundred dollars, or confined in the county jail for not more than sixty days, or both. Each day such violations exist shall, in the discretion of the courts, be considered as a separate offense.

Section 23. Sections 227.010 to 227.190 and 227.990 of the Kentucky Revised Statutes are hereby repealed and a new Chapter of the Kentucky Revised Statutes is hereby created to be numbered Chapter 227 which shall contain this Act.

By Mr. Lowman.

H. B. No. 328. AN ACT relating to toll bridges, amending KRS 180.130.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 180.130 is amended to read as follows:

"The cost of maintenance and operation of all bridges purchased, built, repaired, enlarged, or reconstructed, in whole or in part, from the bonds issued under KRS 180.070 shall be paid from appropriations made to the department; provided, however, that while any such bonds are outstanding the department may be reimbursed for such cost out of the bridge tolls and revenues, if and to the extent permitted by the trust indenture for such bonds, and otherwise may be so reimbursed by the continuation of tolls for traffic over the pertinent bridge or bridges after the bonds are retired.

(2) The department may pay from its appropriations any part of the cost of any bridges for which the bonds are issued."

By Mr. Lowman.

H. B. No. 329. AN ACT relating to insurance, and amending certain sections of Chapter 304 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.025 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner shall preserve in permanent form records of his proceedings, hearings, investigations, and examinations, and shall file such records in his office.

(2) The commissioner's records and insurance filings in his office shall be open to public inspection, except as otherwise provided in this Code.

(3) The commissioner may destroy records, papers and fil-

ings which in his judgment are of no further material value to the state; but he shall not destroy any record, paper, or filing on file with the department for a period of less than six years or made, received, or filed with the department during his administration, except such records, papers, and filings of an insurer determined to be equivalent to the records, filings and papers of any other insurer already filed with the commissioner as required by KRS 304.627 and 304.657.

Section 2. Section 304.035 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner shall employ such examiners and other assistants as may be necessary to conduct such examinations.

(2) Each insurer or other person being examined by the commissioner shall pay to the examiners and assistants making the examination proper charges for the services of such examiners and assistants and the actual travel expenses and living expense allowances at a reasonable rate approved by the commissioner upon presentation of a detailed account of such charges and expenses. In the event the examiners and other assistants employed under subsection (1) of this Section are not actually engaged in an examination, the commissioner may use such examiners and assistants when necessary under an arrangement whereby they will be reimbursed in the same manner as applies to payment of compensation to other employes of the department.

When it is necessary that regular salaried employes of the insurance department participate in or work in connection with any examination each such insurer or person being examined shall pay to the commissioner reasonable and proper charges for services of such regular salaried employes upon presentation of a detailed account of such charges. Such fees shall be deposited in a revolving fund account designated, "Examination Expense Revolving Fund." Withdrawals shall be made from such account for purposes pertaining to examinations as deemed necessary by the commissioner.

(3) If any amount in such revolving fund remains unexpended at the end of any fiscal year, that amount shall not lapse,

but shall remain credited to the account and may be used during the succeeding year or years.

Section 3. Section 304.408 of the Kentucky Revised Statutes is amended to read as follows:

(1) An insurer may invest its funds in bonds which are payable from revenue or earnings specifically pledged therefor of any public toll bridge, structure, or improvement owned by any state, incorporated city, or legally constituted public corporation or commission, all within the United States, for the payment of the principal and interest of which adequate provision has been made, and if no default on the part of the issuer in payment of principal or interest has occurred on any of its bonds, notes, warrants or other securities, within five years prior to the date of investment therein, or if issued within such five years, since issuance.

(2) An insurer may not invest or have invested at any one time, more than twenty-five percent of its assets in all securities provided for in this Section and in KRS 304.406 and 304.407.

Section 4. Section 304.411 of the Kentucky Revised Statutes is amended to read as follows:

An insurer may invest and have invested at any one time not in excess of an aggregate of thirty percent of its assets in the bonds or other evidences of indebtedness of any telegraph or telephone corporation, or corporation engaged in furnishing gas, electricity, heat, light, power, water or transportation directly or indirectly, to the public in a city in the United States or Canada, adequately secured by first mortgage or pledge of property of the corporation issuing them, or by adequate collateral, and in any such corporation's debentures subject to the same qualifications as are stated in subsections (3) and (4) of KRS 304.415, if:

(1) No default in payment of principal or interest on the bonds or other evidences of indebtedness to be purchased has occurred within five years of the date of investment therein, or, if such bonds or other evidences of indebtedness were issued less than five years prior to the date of investment therein, since issuance; and

(2) The issue has been approved by the proper public authority if such approval was required by law at the time of issue.

Section 5. Section 304.415 of the Kentucky Revised Statutes is amended to read as follows:

An insurer may invest and have invested at any one time not in excess of an aggregate of twenty percent of its assets in bonds, notes or debentures of solvent corporations, other than corporations referred to in KRS 304.411, 304.412, 304.413 existing under the laws of the United States or any state thereof, if:

(1) No default in payment of interest or principal on the bonds, notes or debentures to be purchased has occurred within five years of the date of investment therein, or, if such bonds, notes or debentures were issued less than five years prior to the date of investment therein, since issuance;

(2) Such corporation and its predecessor organization or organizations, if any, have been in existence for ten years; and

(3) No substantial part of the property of such corporation is subject to any lien or other obligation entitled to priority of payment over such bonds, notes or debentures, except such items as current taxes, mechanics liens, equipment trust certificates, purchase money mortgages, pledges to or deposits with any court or government or agency thereof, pledges to secure indebtedness incurred in the ordinary course of business and maturing in not more than one year.

Section 6. Section 304.426 of the Kentucky Revised Statutes is amended to read as follows:

(1) An insurer may invest its funds in obligations issued, assumed, or guaranteed by the International Bank for Reconstruction and Development.

(2) An insurer may invest in the shares, interests, or participation certificates of any management investment company, whether or not incorporated, which is registered under the Federal Investment Company Act of 1940 as amended, as a diversified, management investment company, if such company has been in existence for not less than ten years. The aggregate of

investments of the insurer under this subsection shall not exceed five percent of the insurer's assets.

Section 7. Section 304.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any personal property or securities lawfully acquired by an insurer, which it could not otherwise have invested in or loaned its funds upon at the time of such acquisition, shall be disposed of by the insurer within four years from date of acquisition, unless within such period the security has attained the standard for eligibility; except, that any security or property acquired pursuant to an agreement of bulk reinsurance, merger, or consolidation shall be disposed of as provided in the plan for such reinsurance, merger, or consolidation as is approved by the commissioner pursuant to KRS 304.952. The commissioner, upon application and proof that forced sale of any such property or security would be against the best interests of the insurer, may extend the disposal period for an additional reasonable time.

(2) Any such property or security held by an insurer after expiration of the period for disposal thereof or any extension of such period granted by the commissioner, shall not be allowed as an asset of the insurer.

(3) Any ineligible investment unlawfully acquired by an insurer shall be disposed of, and for failure so to do within thirty days after order of the commissioner requiring such disposal, the commissioner may revoke or suspend the insurer's certificate of authority.

(4) For the purposes of subsection (3) of this Section, an investment otherwise eligible shall not be deemed ineligible for the reason that it is in excess of the amount permitted under KRS 304.400 to 304.453 to be invested in the category of investments to which it belongs; and any such excess investment shall be disposed of within the time prescribed in subsection (1) of this Section.

Section 8. Section 304.453 of the Kentucky Revised Statutes is amended to read as follows:

(1) Foreign and alien insurers transacting insurance in this state shall have assets of the same general character as specified

for domestic insurers, except that other investments authorized by the law of such an insurer's state of domicile or of entry into the United States, if an alien insurer, may be recognized as assets in the discretion of the commissioner. Assets of the kind described in paragraph (g) of subsection (1) of KRS 304.437 shall, if authorized by the law of the insurer's state of domicile or of entry into the United States, be deemed to have been acquired and held in the course of the legitimate business of the insurer, whether or not the commissioner determines that they shall be recognized as assets of the insurer.

Section 9. Section 304.476 of the Kentucky Revised Statutes is amended to read as follows:

(1) All such deposits shall be held by the custodian in trust for the benefit and protection of all of the insurer's policyholders and creditors in the United States.

(2) The deposit of a domestic insurer shall further be security for payment of taxes, assessments, forfeitures, fines, or other charges due and unpaid to this state or any other state in which the insurer has been authorized to transact insurance, and may be applied to such extent as may be necessary for such payment.

(3) Except, that deposits required pursuant to the retaliatory provision, KRS 304.110, or required of a domestic insurer pursuant to the laws of another state, may be limited to such uses and purposes as is consistent with such provision or laws. But no such deposit so required of a domestic insurer shall be allowed in lieu of or as a credit upon any deposit required of such insurer under this Chapter if the purpose of such deposit so required by another state is materially inconsistent with the purpose stated in subsection (1) of this Section.

Section 10. Section 304.516 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall in this state act as or hold himself out to be an agent, solicitor, or adjuster unless then licensed therefor by this state; except, that an individual employed by a licensed adjuster and undergoing education and training as an adjuster under the direction and supervision of such licensed adjuster, may, for a period not exceeding twelve months, act as an adjuster with-

out having an adjuster's license if at the beginning of such twelve months period the name of such apprentice adjuster has been registered as such with the commissioner.

(2) No agent shall place any business with any insurer as to which he does not then hold an agent's license issued by the state, except as expressly provided in KRS 304.510 to 304.574.

(3) The commissioner shall prescribe and furnish forms required in connection with application, issuance, or termination of licenses.

(4) No person shall hold himself out to be, act as, or be licensed as an insurance broker in this state, except as is provided in KRS 304.589 as to surplus line brokers. This provision shall not be deemed to prohibit any act permissible under KRS 304.554 or KRS 304.540 and 304.541.

Section 11. Section 304.525 of the Kentucky Revised Statutes is amended to read as follows:

To qualify for an agent's license, an applicant must otherwise comply with this Code therefor and must:

(1) Be twenty-one years of age or over.

(2) If for other than a disability or a credit insurance agent, be a bona fide resident of and actually reside in this state, except as provided in KRS 304.549.

(3) Successfully pass an examination as required under KRS 304.521.

(4) Be a trustworthy person.

(5) Not intend to use or use the license for the purpose principally of writing controlled business, as defined in KRS 304.518.

(6) If for an agent's license, other than a temporary license under KRS 304.557, be appointed as its agent by an authorized insurer, subject to issuance of the license.

Section 12. Section 304.597 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of KRS 304.580 to 304.598 controlling

the placing of insurance with unauthorized insurers shall not apply to reinsurance, nor to the following insurance when so placed by licensed agents of this state:

(a) Insurance on subjects located, resident, or to be performed wholly outside of this state, or on vehicles or aircraft owned and principally garaged outside this state.

(b) Insurance on operations of railroads engaged in transportation in interstate commerce and their property used in such operations.

(2) Agents so placing any such insurance with an unauthorized insurer shall keep a full and true record of each such coverage in detail as required of surplus line insurance under KRS 304.580 to 304.598. The record shall be preserved for not less than five years from the effective date of the insurance and shall be kept available in this state and open to the commissioner's examination. The agent shall furnish to the commissioner at his request a report of all such coverages so placed in a designated calendar year.

Section 13. Section 304.657 of the Kentucky Revised Statutes is amended to read as follows:

(1) No basic insurance policy form other than surety bond forms, or application form where written application is required and is to be made part of the policy, or printed life or disability rider or endorsement form shall be issued, delivered, or used unless it has been filed with and approved by the commissioner. This Section shall not apply to policies, riders or endorsements of unique character designed for and used with relation to insurance upon a particular subject, or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or disability insurance policies, and which are used at the request of the individual policyholder, contract holder or certificate holder.

(2) Every such filing shall be made not less than thirty days in advance of any such issuance, delivery, or use. At the expiration of such thirty days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the commissioner. The commissioner

may extend by not more than an additional thirty days the period within which he may so affirmatively approve or disapprove any such form, by giving notice of such extension before expiration of the initial thirty-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such form shall be deemed approved. Approval of any such form by the commissioner shall constitute a waiver of any unexpired portion of such initial thirty-day waiting period.

(3) The commissioner's order disapproving any such form shall state the grounds therefor. The commissioner may, for cause after a hearing, withdraw a previous approval.

(4) No such form shall knowingly be so issued or delivered as to which the commissioner's approval does not then exist.

(5) The commissioner may, by order, exempt from the requirements of this Section for so long as he deems proper, any insurance document or form or type thereof as specified in such order, to which in his opinion this Section may not practicably be applied, or the filing and approval of which are, in his opinion, not desirable or necessary for the protection of the public.

Section 14. Section 304.905 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in Section 15 of this Act, insurers that take fire or storm risks on real property in this state shall, in case of total loss thereof by fire or storm, be liable for the full estimated value of the property insured, as the value thereof is fixed on the face of the policy, except that the estimated value of the property insured may be diminished to the extent of any depreciation in the value of the property occurring between the date of the policy and the loss. In case of partial loss of the property insured, the liability of the insurer shall not exceed the actual loss of the party insured. The insured shall be liable for any fraud he may practice in fixing the value of the property, if the insurer is misled thereby.

Section 15. There is hereby created a new section of the Kentucky Revised Statutes to read as follows:

Insurers of property against fire or storm may contract with

the insured that the insured shall, during the life of the policy, maintain insurance upon the property so insured to the extent of an agreed proportion of the actual cash value of the property at the time of loss, and that if the insured fails to do so, the insured shall be a co-insurer to the extent that the insurance then in force is less than the amount of the agreed proportion, and shall bear his part of any loss, as co-insurer, to that extent. The acceptance of a policy containing such a provision shall be at the option of the insured, and a reduced premium rate shall apply to the policy. No such provision shall be valid unless the form setting up the terms of the provision has been approved by the Commissioner of Insurance.

Section 16. There is hereby created a new section of the Kentucky Revised Statutes to read as follows:

(1) On any contract of title insurance hereafter issued by any domestic insurer, there shall be reserved initially a sum equal to ten percent of the risk premium charged thereon. At the end of each year, for a period of twenty years thereafter, there shall be a reduction in the sum so reserved in the amount of one-twentieth of such sum. Said sums herein required to be reserved for unearned premiums on contracts of title insurance, shall at all times and for all purposes be considered as, and shall constitute, unearned portions of such risk premiums. In calculating reserves, all contracts of title insurance shall be assumed to be dated in the middle of the year in which they are issued.

(2) The insurer shall invest funds constituting the unearned premium reserves created by this Section, only in such investments as are eligible.

(3) The amount of the unearned premium reserve shall be reported to the commissioner as part of the insurer's annual statement.

(4) The insurer's assets representing the unearned premium reserve shall be kept segregated from other assets.

(5) Any foreign title insurance corporation doing business in this state shall be required to comply with the provisions of this Section, unless by the laws of its state of domicile it is re-

quired to set aside unearned premium reserves in at least as great an amount as required by this Section.

Section 17. Section 304.922 of the Kentucky Revised Statutes is amended to read as follows:

(1) The insurer may invest up to one-third of its minimum required capital, and any of its surplus in such books, maps, abstracts, and other records as are requisite or convenient for transaction of its business as title insurer, and in the maintenance thereof.

(2) The insurer may invest the remainder of its funds, after meeting its guaranty fund requirements, in such investments as are eligible as investments of insurers other than life insurers under KRS 304.400 to 304.453, with the following modifications:

(a) The insurer may loan on security of a real estate mortgage an amount not exceeding seventy-five percent of the value of the property mortgaged. The extent to which a mortgage loan made under paragraph (c) or (d) of subsection (1) of KRS 304.431 is guaranteed or insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans Affairs may be deducted before application of the limitation contained in this subsection. Unless the insurer's paid-in capital and surplus exceed five hundred thousand dollars, its real estate mortgage investments shall be restricted to mortgages secured by property located in this state.

(b) The limitations contained in KRS 304.403, subsection (2) of KRS 304.431, subsection (2) of KRS 304.437, KRS 304.438, and KRS 304.441 shall not apply as to such investments.

(c) The insurer shall not, without the prior approval of the commissioner, invest more than ten percent of its assets in the stock of any corporation engaged in business as a title insurer or abstract company or a real estate mortgage company.

(d) A title insurer may, with the prior written approval of the commissioner, invest not to exceed an aggregate of ten percent of its assets in loans to abstract companies, which loans are adequately secured as to principal and interest by chattel mortgages upon the books, maps, files, abstract records and other

personal property of the mortgagee. No one such loan shall exceed four percent of the insurer's assets.

(3) KRS 304.448 shall apply to title insurers.

By Mr. Hill, Mr. Majors, Mr. Holt, Mr. Fern, Mr. McClanahan, Mr. Mann, Mr. Heskamp, Mr. Anderson, Mr. Wells, Mr. Lacy, Mr. Lovelace, Mr. Maglinger, Mr. Duncan, Mr. Blue, Mr. Craig, Mr. Bartley, Mr. Lambert, Mr. Martin, Mr. Dempsey, Mr. Young, Mr. Banton, Mr. Hadden, Mr. Kearby, and Mr. McFadden.

H. B. No. 330. AN ACT relating to the utilities gross receipts tax, and repealing sections 136.240 to 136.260 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 136.240 to 136.260 of the Kentucky Revised Statutes are hereby repealed.

By Mr. Weintraub.

H. B. No. 331. AN ACT relating to registration of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Motor vehicle" means any vehicle required to be licensed under KRS 186.020 except those motor vehicles defined by KRS 281.010 (9).

(2) "Insurance certificate" means a certificate issued by an insurance company showing that a liability insurance policy has been issued to the owner of a motor vehicle to cover operation of such vehicle.

(3) "Department" means Department of Revenue.

Section 2. (1) No motor vehicle shall be registered pursuant to the provisions of KRS 186.040 unless, at the time of registration, an insurance certificate, in duplicate, is presented showing that liability insurance coverage, in at least the minimum amount required by Section 6 of this Act, is in effect on such motor and will not expire before thirty days after the date of registration.

(2) The clerk shall retain one copy of the insurance certificate, properly filed, for at least two years, and, within five days after registration, forward the other copy to the Department of Revenue.

Section 3. (1) The department shall maintain the insurance certificates in a chronological file according to expiration dates of policies. Not later than twenty days before the expiration or cancellation of his coverage, the department shall notify an owner of such date and that if renewal of current coverage or new coverage is not obtained prior to the date of expiration or cancellation of current coverage, his registration is automatically cancelled as of such date.

(2) Within five days after cancellation of registration, the department shall send notice of such cancellation to the sheriff of the county in which the motor vehicle was registered directing him immediately to take up the registration receipt and license plate of such vehicle. At the same time, copies of cancellation notice shall be forwarded to the owner of the motor vehicle and to the county court clerk who issued the registration.

(3) All license plates and registration receipts taken up by the sheriff shall be delivered forthwith to the county court clerk.

Section 4. A motor vehicle upon which the registration receipt and license plate has been taken up may be re-registered in the same manner, including payment of fee, as the original registration. Upon such re-registration, the original license plate shall be re-issued.

Section 5. All insurance companies writing liability insurance on motor vehicles in this state shall, before cancelling any

policy for such coverage, give thirty days written notice of such intention to the insured and to the department.

Section 6. The minimum liability insurance coverage required by this Act for a single accident shall be as follows:

(1) For bodily injury or death to one person, $5,000.00

(2) Subject to the limitation in (1), for bodily injury or death to two or more persons, $10,000.00.

(3) For injury to or destruction of property, $5,000.00.

Section 7. No person shall operate a motor vehicle on the public ways of this state unless such vehicle has been registered pursuant to the provisions of this Act, and which registration has not been cancelled under the provisions of subsection (1) of Section 3 of this Act.

Section 8. (1) Any county court clerk, deputy or employe who registers a motor vehicle in violation of the provisions of subsection (1) of Section 2 of this Act, any sheriff who fails to comply with the provisions of subsection (2) and (3) of Section 3 of this Act, and any insurance company which fails to comply with the provisions of Section 6 of this Act shall be fined not less than fifty dollars nor more than five hundred dollars for each offense.

(2) Any person who violates Section 7 of this Act shall, for the first offense, be fined not more than one hundred dollars or confined in the county jail for not more than thirty days, or both, and for each subsequent offense, shall be fined not more than five hundred dollars or confined in the county jail for not more than one year, or both. Each day of violation shall constitute a separate offense.

By Mr. Weintraub, Mr. Cottengim, Mr. Wirsch, and Mr. Day.

H. B. No. 332. AN ACT empowering and authorizing cities of the second class to pass legislation providing for pensions of police court judges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. City legislative bodies of cities of the second class may, by proper legislation, provide for pensions for police court judges, who after the effective date of this Act, have become sixty years of age and have served as a regular police judge, including service prior to the effective date of this Act, for a period of twenty years.

Section 2. Cities that pass legislation providing pensions for police court judges shall establish a separate fund to be known as the Police Judge Pension Fund. The regular police court judge shall contribute into this fund an amount equal to not more than five percent of his annual salary as police judge, such contributions to be deducted by the city treasurer from the monthly pay of such police judge and credited to the Police Judge Pension Fund. The Police Judge Pension Fund shall be under the exclusive control and management of the city legislative body, and in the event the fund is not sufficient to pay the pension as it becomes due, they shall, from police court fines, place into the said fund, a sum sufficient to meet its requirements.

Section 3. Police judges who are eligible for pension and retirement from office, shall be paid out of the Police Judge Pension Fund, a pension not to exceed the sum of twenty-four hundred dollars each year, for life. If the pension legislation has been adopted by the city legislative bodies at the time of said retirement, it shall not be altered or changed during the time of the pension period of the retiring judge.

Section 4. Any judge who has served less than twenty years as a regular police judge and who attempts to continue in office by being a candidate for re-election and is defeated shall be refunded all contributions made to the fund by him upon the making of application therefor within one year from the date of said election.

Section 5. This Act shall become effective on July 1st, 1954.

By Mr. Dressman and Mr. Cottengim.

H. B. No. 333. AN ACT relating to civil service for county police officers and employes; amending Section 78.400, subsection (1) of Section 78.405 and subsection (1) of Section 78.425 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 78.400 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 78.400 to 78.460 and 78.990, the following words and terms shall have the following meaning:

(1) "Board" means the county police force merit board or boards hereinafter created;

(2) "Chief" means the chief of a county police force;

(3) "Secretary" means the executive secretary and examiner employed by the county police force merit board or boards hereinafter created;

(4) "Officer" means any member of the county police force;

(5) "Employe" means all other employes of the county police forces.

Section 2. Subsection (1) of Section 78.405 of the Kentucky Revised Statutes is amended to read as follows:

Any county of the Commonwealth of Kentucky may, by order of its fiscal court, duly made and entered of record, create a county police force merit system, and for that purpose, establish a county police force merit board, whose duties it shall be to classify and examine applicants seeking employment as officers or employes of the police force of the said county, and in addition to promulgate rules and regulations governing the classification, qualifications, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action within the said county police force of all personnel of the county police force or forces affected and covered by KRS 78.400 to 78.460 and 78.990, and in addition thereto, to hold such hearings, public

and executive, and impose such penalties upon the personnel affected by KRS 78.400 to 78.460 and 78.990.

Section 3. Subsection (1) of Section 78.425 of the Kentucky Revised Statutes is amended to read as follows:

All police officers of whatever rank and title and all employes of every county police force affected by KRS 78.400 to 78.460 and 78.990 are covered by the provisions hereof. All such covered officers and employes of every county police force on active duty or service as of the effective date of a duly made and entered order of the fiscal court of the said county creating a county police merit system and board, shall be deemed fit and qualified to continue their respective duties of employment on or for their respective county police force without examination or further qualification, except and unless the chief of police of any county police force shall within sixty days after the establishment of the board certify to the said board that any officer or employe is physically unfit to continue his or her duties.

By Mr. Weintraub.

H. B. No. 334. AN ACT proposing an amendment to Section 157 of the Constitution of Kentucky, relating to maximum tax rates for cities, counties and taxing districts and creation of indebtedness in excess of income provided for a year.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 157 of the Constitution of Kentucky be amended so as to read as follows:

The tax rate of cities, towns, counties, taxing districts and other municipalities, for other than school purposes, shall not, at any time, exceed the following rates upon the value of the taxable property therein, viz.: For all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all towns or cities having less than

ten thousand, seventy-five cents on the hundred dollars; and for counties and taxing districts, fifty cents on the hundred dollars; unless it should be necessary to enable such city, town, county, or taxing district to pay the interest on, and provide a sinking fund for the extinction of, indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or other municipality, shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of a majority of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

By Mr. Reed, Mr. Davis, Mr. Kearby, Mr. Caudill, Mr. Sanders, Mr. Ockerman, Mr. Dressman, Mr. Peniston, Mr. Francis, and Mr. Lambert.

H. B. No. 335. AN ACT amending KRS 412.070 relating to compensation and expenses of plaintiffs and their attorneys in class actions or in cases in wihch plaintiffs have a common interest.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 412.070 of the 1953 edition of the Kentucky Revised Statutes is repealed, and in lieu thereof is enacted the following section, to read and be numbered as follows:

412.070. In actions for the settlement of estates, or for the recovery of money or property held in joint tenancy, coparcenary, or as tenants in common, or for the recovery of money

or property which has been illegally or improperly collected, withheld or converted, if one or more of the legatees, devisees, distributees or parties in interest has prosecuted for the benefit of others interested with him, and has been to trouble and expense in that connection, the court shall allow him his necessary expenses, and his attorney reasonable compensation for his services, in addition to the costs. This allowance shall be paid out of the funds recovered before distribution. The persons interested shall be given notice of the application for the allowance, provided, however, that if the court before whom the action is pending should determine that it is impracticable and too expensive to notify all of the parties individually, then by order of said court, personal notice may be dispensed with and in lieu thereof, notice of the application shall be given by an advertisement in a newspaper of general circulation in the county in which the action is pending. Two such newspaper advertisements shall be required and said advertisements shall be at least seven (7) days apart.

The compensation herein provided for shall be authorized in actions now pending as well as actions hereafter instituted, provided that in actions now pending final orders and judgments have not been ordered and the fund has not come into actual being.

By Mr. Reid, Mr. Maglinger, Mr. Newsom, Mr. Fern, and Mr. Everett.

H. B. No. 336. AN ACT relating to the payment of certain expenses of Commonwealth Attorneys.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each commonwealth's attorney of the State shall be paid out of the State Treasury, each month, the sum of $125.00, which sum is hereby declared to be the equivalent of the minimum sum that each commonwealth's attorney will expend each month, in the performance of his official duties, for postage, telephone service, supplies, stationery, and books and periodicals. The Commissioner of Finance shall, on the

first of each month, draw his warrant on the Treasurer in favor of each commonwealth's attorney, for the sum above stated, and the same shall be paid out of the Revolving Fund created by Section 2 of this Act. The sums so received shall be expended by each commonwealth's attorney in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by such officer.

Section 2. To provide the revenue necessary to carry out the provisions of this Act, a tax of two dollars is hereby levied upon conviction in each criminal case carrying a fine where the fine is paid into the State Treasury. The funds raised by the aforesaid tax shall be paid into the State Treasury, and shall be deposited into a revolving fund which hereby is created and designated the Commonwealth's Attorneys' Expense Account, and from which fund the appropriations hereunder shall be disbursed, provided, however, that in counties having a population of more than one hundred fifty thousand, said sum shall be paid by the Commissioner of Finance to the Fiscal Court of said County rather than to the Commonwealth's attorney in said county because of the provisions of KRS 69.120.

Section 3. In anticipation of the collection of the revenue herein provided for, and to enable the State Treasury to make timely payments under the provisions of this Act, the sum of sixty thousand dollars shall be advanced from the General Fund to the Commonwealth's Attorneys' Expense Account. Said sum shall be repaid to the General Fund at the close of the fiscal year 1953-54 and at the close of each fiscal year thereafter, from surpluses which shall have accumulated in the Commonwealth's Attorneys' Expense Account in excess of twenty-five thousand dollars. After said advancement has been paid in full, any surplus in excess of twenty-five thousand dollars, which shall have accumulated to the Commonwealth's Attorneys' Expense Account at the close of any fiscal year shall be transferred to and become a part of the General Fund of the Commonwealth.

Section 4. WHEREAS, present economic conditions are such as to impose an unconscionable burden upon the Commonwealth's attorneys of the Commonwealth, and to create a threat to the expeditious and impartial administration of law

enforcement, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Maglinger.

H. B. No. 337. AN ACT relating to the working hours of employes of municipally owned light and water plants in second-class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All employes of municipally-owned light and water plants in cities of the second-class shall be paid overtime wages at the rate of time and one-half for each hour worked in excess of forty hours per week.

By Mr. Montgomery.

H. B. No. 338. AN ACT relating to mechanics' and materialmen's lein providing for lien on growing crops, and amending subsection (1) of Section 376 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 376.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who performs labor or furnishes materials for the erection, altering or repairing of a house or other structure or for any fixture or machinery therein, for the excavation of cellars, cisterns, vaults, wells or for the improvement in any manner of real property or growing crops including the furnishing of agricultural lime, fertilizer, concrete pipe or drainage tile, crushed rock, gravel for roads or driveways, and materials used in the construction or maintenance of fences, by contract with, or by the written consent of, the owner, contractor, sub-contractor, architect or authorized agent, shall have a lien thereon and upon the land upon which the improvements were made or on any interest the owner has therein, to secure the amount thereof with cost. The lien on the land or improve-

ments shall be superior to any mortgage or encumbrance created subsequent to the beginning of the labor or the furnishing of the materials, and the lien, if asserted as hereinafter provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials. The lien shall not be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of the liens exceed the price agreed upon between the original contractor and the owner there shall be a pro rata distribution of the original contract price among the lien-holders.

By Mr. Ockerman.

H. B. No. 339. AN ACT relating to police departments in second-class cities taking charge of lost or stolen property coming into the possession of such police departments and providing for the disposition of unclaimed property by police departments in second-class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The police department in cities of the second class, shall take charge of property, within their jurisdiction, alleged to be or suspected of being the proceeds of crime, property taken from the person of a prisoner, lost or abandoned property taken into the custody of any member of the police force or criminal court, and property taken from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves. The officer or court having custody of such property shall as soon as practicable deliver it into the custody of the police department.

(2) All such property shall be particularly described and registered by the police department in a book kept for that purpose, containing the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the property, the names of all claimants thereto, and any final disposition of the property. The police department shall advertise the property for the in-

formation of the public as to the amount and disposition of the property.

(3) If any property in the custody of the police department is desired as evidence in any criminal court, such property shall be delivered to any officer who presents an order to that effect from the court. Such property shall not be retained in the court, but shall be returned to the police department.

(4) All property that remains in the custody of the police department for three months, without any lawful claimant thereto, may be sold at public auction in a suitable room designated for that purpose, after having been advertised for ten days. The proceeds of such sales shall be paid into the department of finance of the city to the credit of the police department.

By Mr. Ockerman.

H. B. No. 340. AN ACT relating to powers and duties of boards of park commissioners in second-class cities, and amending Section 97.440 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 97.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The boards shall have the care, management and custody of the parks and grounds used for park purposes, the boulevards and parkways now belong to the city or in the control of the city, and all such property as may be acquired for park purposes or public squares by the city or board.

(2) Each board may:

(a) Contract and be contracted with, sue and be sued, have and use a corporate seal and alter and renew it at pleasure;

(b) Acquire and hold property for public parks and public squares and for parkways connecting the parks, by condemnation, contract, purchase or gift;

(c) Sell and convey property in its own name with the approval of the legislative body of the city by ordinance passed in accordance with the existing laws of the Commonwealth;

(d) Lay out and improve the parks, parkways, squares and other property held or managed by it with walks, drives, roads, trees and other proper improvements, and contract for such improvements;

(e) Protect all property and improvements belonging to the board or under its management or control from injury or decay;

(f) Adopt rules and regulations for the reasonable and proper use and for preventing injuries to or misuse of all parks, parkways, public squares, boulevards, driveways, walks and park property generally;

(g) Prevent disorder and improper conduct within the precincts of any park or enclosure, or upon any drive, walk or avenue under the control of the board;

(h) Control and manage the planting and care of all shade trees along the sidewalks and thoroughfares of the city, and adopt and enforce rules and regulations necessary for the protection and care of such trees.

(3) In locating parks the boards shall have regard to the needs of the different sections of the city and the suitability of the ground for park purposes, as well as the cost thereof. The boards shall have discretion as to the location and improvement of parks.

(4) The police power of the city shall extend over the park property of every kind, as it is acquired. All violations of the park rules and regulations and all other offenses committed within any park property or precinct shall be punished as provided by law in cases of misdemeanors and violations of city ordinances. The boards and their agents and employes may make arrests for felonies or misdemeanors committed within any park precinct, or for violation of any park rules or regulations.

By Mr. Lowman.

J. RES. No. 40. A JOINT RESOLUTION authorizing Burton McGee, the father and next friend of Stephen Edward McGee, a minor, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Burton McGee, father and next friend of Stephen Edward McGee, a minor, be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate said Stephen Edward McGee for the injuries and damages, if any, sustained by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents and employes, in maintaining the right of way of U. S. Highway 23 in Lawrence county, Kentucky.

Section 2. The suit shall be for a sum not in excess of $50,300.

Section 3. That the action herein authorized and permitted may be brought in the Lawrence Circuit Court, same being the Circuit Court having jurisdiction in Lawrence county, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Lawrence Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

By Mr. Ockerman.

H. RES. No. 41. A RESOLUTION directing the Judicial Council to conduct a study of the divorce laws of this state, and other matters, and submit a report and proposed legislation to the 1956 General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Kentucky Judicial Council is directed to make a thorough investigation of the existing divorce laws of this and other states and submit to the 1956 General Assembly a written report of its findings accompanied by proposed legislation revising the divorce laws. In connection with its investigation of the divorce laws, the Judicial Council shall also investigate the so-called "Family Courts" which are being so successfully employed in many states to handle domestic relations and shall incorporate in its report its findings concerning such courts. The Judicial Council may, in its proposed legislation revising the divorce laws, incorporate, insofar as possible under the existing constitutional restrictions, provisions relating to a "Family Court."

By Mr. Dressman and Mr. Cottengim.

J. RES. No. 42. A JOINT RESOLUTION authorizing Esker Bert Davis, of Kenton County to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Esker Bert Davis be and he is hereby authorized, permitted and empowered to sue the Common-

wealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate him for the damages and injuries, if any, suffered by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents and employes, in maintaining the bridge over Banklick Creek in Covington, Kenton County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $15,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Kenton Circuit Court, same being the Circuit Court having jurisdiction in Kenton County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Kenton Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence on the part of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

By Mr. Wooton.

J. RES. No. 44. A JOINT RESOLUTION authorizing the personal representative of the estate of Walter Deaton to sue the Commonwealth of Kentucky and the Department of Mental Health, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representative of the estate of Walter Deaton, deceased, be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Mental Health thereof, either or both of them, in such sum as will fairly and reasonably compensate the estate of Walter Deaton, deceased, for the injuries and damages, if any, sustained by said estate as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Mental Health thereof, or their agents and employes, in protecting the patients at Eastern Kentucky State Hospital.

Section 2. Said suit shall be for a sum not in excess of $25,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Fayette Circuit Court, same being the Circuit Court having jurisdiction in Fayette County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Fayette Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be setttled and adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or any of its officers, and

this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

By Mr. Martin, Mr. Kearby, Mr. Morris, Mr. Hill, and Mr. Dempsey.

J. RES. No. 43. A JOINT RESOLUTION relating to the advertising of alcoholic beverages.

Said resolution is as follows, viz:

WHEREAS, effective control over the method of sales promotion used by dealers in alcoholic beverages is a factor in any system of liquor legislation the state may adopt to promote temperance, and

WHEREAS, the facilities of interstate commerce, over which the Congress has paramount authority, such as radio, television, and nationally circulated publications, are being used to advertise alcoholic beverages, the purpose of which advertisements is to increase their sale and consumption and to popularize their use; and

WHEREAS, the state is without adequate means of dealing effectively with these liquor advertising practices in interstate commerce,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That we do hereby memorialize the Senators and Representatives in Congress from this state to seek the enactment of legislation that will prevent the use of these facilities which are subject to Federal regulation, from being used for the advertising of alcoholic beverages;

Section 2. That the Secretary of State of Kentucky send under the Great Seal of the State copies of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the United States Congress, and to the Senators and Representatives from this Commonwealth.

By Mr. Wooton.

J. RES. No. 45. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Cola Combs of Perry County, Kentucky committee for Samantha Mix.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Cola Combs, of Perry County, Kentucky, committee for Samantha Mix, possesses a pauper idiot claim in the amount of $37.50 which was allowed by the Perry Circuit Court at the September, 1952, term.

It appearing that the claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that the claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay the claim when presented by Cola Combs, of Perry County, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of the claim, and the amount necessary to pay it, being $37.50, is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

Mr. Dempsey moved that H. B. No. 14 be taken from the Veterans' Committee, to which it had been referred, given its first reading at length, and placed in the Calendar.

Said motion was disagreed to by voice vote.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. Res. No. 27. A RESOLUTION concerning the naming of Kentucky Highway No. 503 in honor of Corporal Ernest E. West.

H. B. No. 133. AN ACT relating to the payment of tax on gasoline used in farm tractors and stationary engines, and amending Sections 138.344 to 138.351 and 138.354, 138.355 of the Kentucky Revised Statutes.

H. B. No. 168. AN ACT relating to inheritance and estate taxes; amending section 140.030 and section 140.260 of the Kentucky Revised Statutes.

H. B. No. 254. AN ACT relating to the organization and government of cities of the first class.

H. B. No. 257. AN ACT relating to the finance and revenue of boards of registration commissioners of cities of the first class.

H. B. No. 256. AN ACT concerning the finance and revenue of cities of the first class and agencies thereof.

H. B. No. 255. AN ACT relating to the regulation of buildings, dwellings and structures by cities of the first class.

H. B. No. 258. AN ACT relating to the finance and revenue of municipal universities in cities of the first class.

H. B. No. 259. AN ACT relating to tax levies and appropriations by cities for the maintenance, operation and improvement of park and recreational areas acquired under Section 97.060 of the Kentucky Revised Statutes.

H. B. No. 260. AN ACT relating to the finance and revenue of joint city-county boards of health of cities of the first class and counties containing such cities.

H. B. No. 261. AN ACT relating to the finance and revenue of joint city-county children's homes in counties containing a city of the first class.

H. B. No. 262. AN ACT relating to the finance and revenue of joint city-county air boards in counties of the first class.

H. B. No. 263. AN ACT relating to the giving of notice to cities of claims for injuries growing out of defects in public ways.

H. B. No. 264. AN ACT relating to advertisement for bids for repairs to school buildings and for purchase of supplies and equipment for schools.

H. B. No. 265. AN ACT relating to the control of Air Pollution.

Committee Substitute for H. B. No. 190. AN ACT relating

to expenses of operating motor vehicles used by county officers and employes in counties containing a city of the first class.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 194. AN ACT relating to the awarding of Certificates of Merit to Kentucky war veterans who have been decorated or cited while serving the United States in any war, and awarding of Certificates of Military Service to all Kentucky war veterans who have served in any war or campaign that a service medal has been provided for by the U. S. Government for such military service.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Military Affairs shall issue a Certificate of Military Service bearing the seal of the Commonwealth to all Kentuckians who have served in any war or Campaign for which a Service Medal has been provided by the United States Government for such military service.

Section 2. The Governor, in the name of the General Assembly of the Commonwealth of Kentucky, shall present a Certificate of Merit to any citizen of the Commonwealth of Kentucky who while serving in the United States Army, Navy, Marine Corps, Coast Guard or Army Nurse Corps, in any war or campaign in which the United States has been engaged, has received a citation published in an order issued from a headquarters of a brigade or higher military unit, or equivalent naval unit, or has received the Purple Heart Medal.

Section 3. No certificate shall be awarded and presented under the provisons of this Act, to any person who received other than an honorable discharge from service or whose service subsequent to receipt of any citation named in this Act shall not have been honorable.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Buchanan	James A. Dressman, Jr.
Walter J. Bailey	Harry M. Caudill	O. O. Duncan
John Rhea Banton	Cassius M. Clay	Addison L. Everett
Clarence J. Barnum	Paul Cobb	Herbert Fern
Wallace Bartley	R. Josh Cosby	Thomas P. Fitzpatrick
Charles E. Baumgardner, Sr.	Vernor O. Cottengim	Cabell D. Francis
Owen Billington	Charles W. Craig	W. L. Hadden
Leo A. Bleemel	W. Marvin Davis	C. Ruby Harralson
J. Murray Blue	John L. Day	George F. Harris
J. C. Bradley	Albert Dempsey	Harold G. Helm
	C. E. Dowell	

Henry R. Heyburn	George R. Martin	William A. Routh
Lon C. Hill	Carl D. Melton	Cecil C. Sanders
Estill R. Hilton	Alton B. Mitchell	LeRoy Saylor
Varna Holt	Tom Mobley	W. R. Smith
William M. Horn	Robert K. Montgomery	Mrs. Thelma L. Stovall
William L. Jones	Walter R. Moorman	E. H. Stumbo
Jennings H. Kearby	Thomas J. Murphy	C. Waitman Taylor
Talmage Lacy	Foster Ockerman	James Treadway
George H. Lovelace	Louis T. Peniston	W. W. Webster
Harry King Lowman	Edward D. Pollitte	William B. Wells
Shelby McCallum	Roger E. Qualls	Mrs. Randolph Wilson
Ralph E. McClanahan	Paul T. Ratcliffe	T. D. Winstead
Caleb McFadden	Jack Raybourne, Jr.	Walker H. Wiseman
William E. Maglinger	Hobart Rayburn	Dr. Clyde D. Wooton
William C. Mann	Robert Reid	Paul E. Young
William J. Marcum	Russell Reynolds	
	Joe Rouse	—79

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 195. AN ACT relating to educational benefits for the children of certain deceased veterans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person whose father or mother was killed while serving in the armed forces of the United States during wars declared by Congress or actions of the United Nations or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon his admission to any state higher educational institution. One of the parents must

have been born in Kentucky or have been a resident of Kentucky prior to such service. The child must have resided in Kentucky for five years next preceding his application for admission. The parent-child relationship must be shown by birth certificate, adoption papers or other documentary evidence. Service and the cause of death of the parent must be evidenced by certification of the Veterans Administration, its successor, or the Department of Defense of the United States. In the event one so admitted shall have obtained a cash scholarship paid or payable to such institution, from whatever source, the amount of such scholarship shall be applied to the credit of such applicant in the payment of incidental expenses of his attendance at such institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

Mr. Sanders offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, immediately following the enacting clause insert the following words "Section 1"

Said motion was agreed to.

Said amendment adopted.

Mr. Sanders offered the following amendment and moved its adoption.

Amendment No. 2—On page 2, immediately following line 20 a new section as follows:

"Section II. The provision of this bill shall become effective when moneys are made available by the Commonwealth of Ky. to reimburse the State institution for fees and charges remitted under the terms of the bill."

Said motion was disagreed to by voice vote.

Said amendment was rejected.

Mr. Martin moved that amendment No. 2 be tabled.

With the consent of the House, Mr. Martin withdrew the aforesaid motion that amendment No. 2 be tabled.

Mr. Lowman moved that H. B. No. 195 be placed on the Clerk's desk.

Said motion was agreed to by voice vote.

So said bill was placed on the Clerk's desk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 179. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) There is created a board to be known as the Kentucky Disabled Ex-Service Men's Board, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The board shall be composed of the Lieutenant Governor, who shall act as chairman, the Adjutant General, and three members appointed by the Governor. The appointed members shall serve for terms of four years and until their successors are appointed and have qualified, except that the members of the first board shall be so appointed that the terms of one member will be for two years, another for three years and the other for four years. All appointments to the board, including appointments of successors and appointments to fill vacancies, shall be made by the Governor provided, however, that said appointees shall be veterans with service during time of war or hostilities wherein American troops were engaged in conflict with an armed enemy. The members of the board shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary traveling expenses and lodging incurred in the proper performance of their duties in or out of this state.

(2) The Kentucky Disabled Ex-Service Men's Board shall:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their de-

pendents with the United States Veterans' Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time;

(d) Continue to survey the state to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the board considers necessary or desirable in the accomplishment of the purposes for which the board was created.

(3) "Veterans" and "ex-service men and women," as used in this section, include any individual who served on active duty during peace or war in the armed forces of the United States and who has received an honorable discharge from such service. (1946, c.57)

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Stumbo moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House recess for fifteen minutes.

Said motion was agreed to.

The fifteen minutes having expired, the Speaker, Mr. Burnley, resumed the chair.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 45. AN ACT relating to supervisors of taxes in cities of the fourth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.260 of the Kentucky Revised Statutes is hereby amended to read as follows:

The city council of each city of the fourth class shall each year appoint three discreet freeholders as supervisors of taxes, and fix their compensation at not more than ten dollars per day. The supervisors shall qualify by taking oath faithfully to perform the duties of their office without favor to rich or poor. They shall select a chairman by vote or lot, and he or either of the supervisors may administer an oath to tell the whole truth concerning his taxable property to any person appearing to have an assessment corrected.

Mr. Wirsch offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, line 5, By inserting a sentence after the word "day" which shall read: "The city council shall fix the time which the supervisors shall meet, but not to exceed a thirty-day session in any one year."

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris

Thomas J. Murphy	Russell Reynolds	James Treadway
Goebel W. Newsom, Jr.	Lloyd E. Rogers	Eulick Walsh
Foster Ockerman	Joe Rouse	Will Tom Wathen
Louis T. Peniston	William A. Routh	W. W. Webster
Edward D. Pollitte	Cecil C. Sanders	Mrs. Randolph Wilson
Paul T. Ratcliffe	LeRoy Saylor	T. D. Winstead
Jack Raybourne, Jr.	W. R. Smith	Charles W. Wirsch
Hobart Rayburn	Mrs. Thelma L. Stovall	Dr. Clyde D. Wooton
Robert Reid	E. H. Stumbo	Paul E. Young

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There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in that body as follows, viz:

S. B. No. 54. AN ACT RELATING to the Department of Mental Health and authorizing it to produce printing of any class for the use of the hospitals and the department.

S. B. No. 55. AN ACT relating to the Department of Mental Health and establishing the confidential nature of certain records and reports.

S. B. No. 56. AN ACT relating to the Department of Mental Health and authorizing the designation of private homes and private nursing homes for placement and family care of certain state mental hospital patients.

S. B. No. 57. AN ACT relating to the Department of Mental Health, its organization, functions, powers and duties.

S. B. No. 58. AN ACT relating to the hospitalization of mentally ill persons.

S. B. No. 59. AN ACT relating to the custody, support and treatment of incompetents.

S. B. No. 60. AN ACT relating to the inquest, commitment and discharge of incompetents.

S. Res. No. 27. A JOINT RESOLUTION authorizing the recognition of the one hundredth anniversary of the founding of Berea College, Berea, Kentucky, and providing that the Government and people of the Commonwealth of Kentucky share in the observance of this anniversary, etc.

S. Res. No. 20. A JOINT RESOLUTION providing for payment of ministers of churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Said bills and resolutions ordered printed and referred.

A message was received from the Senate that they had passed bills originating in the House as follows. viz:

H. B. No. 73. AN ACT relating to tax on use of gasoline.

H. B. No. 72. AN ACT relating to the establishment of a Kentucky Council on Regional Education, and declaring an emergency.

Ordered that these bills be delivered to the Enrollment Clerk.

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 100. AN ACT relating to alcoholic beverages amending subsection (8) of Section 241.060 and Section 243.730 of the Kentucky Revised Statutes.

With Senate amendment attached thereto as follows, viz:

Amend printed copy of House Bill 100, on page one and two thereof, by striking all of the subject matter appearing on lines 1 to 15, inclusive, and inserting in lieu thereof the following: Sec. 1. Section 241.060 of the Kentucky Revised Statutes is amended to read as follows:

"Functions of board. The board shall have the following functions, powers and duties:

(1) To adopt reasonable regulations governing the procedure relative to applications for and revocations of licenses and relative to all other matters over which the board has jurisdiction, and for the supervision and control of manufacture, sale, transportation, storage, advertising and trafficking of alcoholic beverages. Regulations need not be uniform in their application, but may vary in accordance with reasonable classifications.

(2) To limit in its sound discretion the number of licenses of each kind or class to be issued in this state or any political subdivision, and restrict the locations of licensed premises. To this end the board may make reasonable division and subdivision of the state or any political subdivision into districts. Regulations relating to the granting, refusal and revocation of licenses may be different within the several divisions or subdivisions.

(3) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and require the production of any books or papers relative to the inquiry, regardless of whether the witnesses are licensees. The power provided in this subsection may be delegated by the board to any member or employee of the department. Provisions of the Civil Code of Practice shall apply to subpoenas issued pursuant to this subsection, but such subpoenas shall be effective throughout the state and shall be enforcible by petition to a court of competent jurisdiction. The department may pay witnesses the per diem and mileage provided in KRS 421.010.

(4) To conduct hearings and appeals under KRS 241.150, 241.200, 243.470 and 243.520 and render decisions upon the subjects of the hearings and appeals.

(5) To suspend, revoke or cancel for cause, after a hearing, any license issued under KRS 243.020 to 243.670.

(6) To close, lock and bar, for a period not to extend beyond the following June 30, any premises in or upon which a violation of KRS Chapter 241, KRS 243.020 to 243.670, or KRS Chapter 244 has taken place. If the violation was within the knowledge of the owner, or was committed or permitted in or

upon premises owned by a licensee, the board shall prohibit the issuance of a license for the premises until the expiration of two years from the time the offense was committed.

(7) To suspend a license for any cause for which the board is authorized to exercise its discretion as to revoking a license.

(8) To make rules and regualtions and to provide forms, that may be necessary to regulate the alcoholic beverage industry and to make KRS 244.380 to 244.470 effective. Before any such rule or regulation is adopted, the Board, after notice, shall hold a public hearing at its offices in Frankfort, Kentucky, not less than five (5) days before said rule or regulation is to be adopted. Not less than ten (10) days notice of such hearing and of the proposed rule or regulation, as well as the date when the same is proposed to be adopted, shall be given in the following manner:

(a) By publication in not less than six (6) newspapers which combined will give substantial statewide publication; and

(b) By registered letter to the principal office of any organized group or groups of licensees, or class thereof, where such organization has made a request, in writing, to be so notified.

In the event of an emergency the provisions of Section 13.085 of the Kentucky Revised Statutes shall become applicable.

When any rule or regulation is adopted, the same shall be filed and become effective in the manner and time prescribed in Chapter 13 of the Kentucky Revised Statutes.

With the request that the House concur in said Senate Amendment.

H. B. No. 15. AN ACT to authorize and add one additional judge to the circuit court for the seventeenth circuit court district, and providing for the appointment and election thereof.

With Senate Amendment, by way of substitute, attached thereto, as follows, viz:

Whereas, the population of the Seventeenth Circuit Court District now exceeds seventy-five thousand inhabitants, and it is impossible for one judge to dispose of the business of said court with reasonable dispatch, and the number of cases upon the

docket of said court is increasing, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. One additional judge of the circuit court for the Seventeenth Circuit Court District is hereby authorized and added to said court. Such additional judge shall preside over the Common Law and Equity Division of said court.

Section 2. Immediately upon the effective date of this Act, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the Common Law and Equity Division of the Seventeenth Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is elected and shall have qualified.

Section 3. An election of such additional judge shall be held at the regular election to be held on Tuesday next after the first Monday in November, 1954, and, after qualifying, as provided by law, the judge so elected shall enter upon the duties of the office at such time as is provided in Section 152 of the Constitution, and continue in office until his successor shall have been elected and qualified.

Section 4. The Judge so elected shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District.

Section 5. At the regular election to be held on the first Tuesday after the first Monday in November, 1957, and every six years thereafter, such additional judge shall be elected, as other circuit court judges are elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

With the request that the House concur in said Senate Amendment by way of substitute.

Mr. Lowman moved that the rules of the House be suspended for the purpose of having Committee Reports.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Morris Weintraub, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 180. AN ACT relating to the compensation and bond of the chief and all other appointees and employes appointed by the county judge, and granting authority for the provision of equipment and the levy and appropriation therefor, and amending Section 70.560 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Morris Weintraub, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 191. AN ACT concerning the conditions of disqualification for unemployment insurance benefits.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Morris Weintraub, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 47. AN ACT relating to removal of improvements on unimproved or unproductive lots.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Morris Weintraub, Chairman of the Committee on Ken-

tucky Statutes No. 2, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 219. AN ACT relating to sureties on bonds of city or county officers.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 27. AN ACT relating to compensation for court-appointed attorneys in criminal prosecutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any attorney appointed by the judge of a circuit court to represent a person who is financially unable to employ counsel for his defense in a criminal proecution shall be allowed such fee not to exceed twenty-five dollars for the first day fifty dollars for each day thereafter that said council is actively engaged for his services, as may be set by the judge. Such fee shall be paid out of the general expense fund of the county in which the court sits.

With Committee Amendment there by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person against whom an indictment for a felony is found may take an oath before the judge of the circuit court that he is a pauper. The judge shal thereupon appoint an attorney to represent him.

Section 2. Any attorney appointed by the judge of a circuit court to represent a person who has taken a pauper oath as required in Section 1 shall be allowed a fee of fifty dollars for the fist day of trial and twenty-five dollars for each additional day,

not to exceed a total compensation of one hundred dollars for any one trial. In prosecutions for offenses the penalty for which may be capital punishment, the total compensation of such attorney shall not exceed two hundred fifty dollars. The circuit judge may allow such attorney a reasonable fee for his services in preparation for trial within the compensation limits prescribed heretofore in this Act.

Section 3. The fees prescribed by this Act shall be paid out of the State Treasury.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Eulick Mike Walsh, Chairman of the Committee on Railroads, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 132. AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Vernor Cottengim, Chairman of the Committee on Library and Historical Records, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 160. AN ACT increasing the allowance for pauper idiots.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Will Tom Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 277. AN ACT relating to the compensation of certain elective state officers.

With an expression of opinion that same should pass with Committee Amendment as follows:

Amend printed copy of House Bill No. 277 on page 1, section 64.480, line 10, so that said line, when so amended, shall read:

Governor, $15,000

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Will Tom Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 176. AN ACT relating to frozen food locker plants.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Will Tom Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 146. AN ACT relating to the compensation of coroners, and amending Section 64.180 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 211. AN ACT relating to the creation of an independent state agency to be known as the Kentucky State Athletic Commission.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on

Ways and Means, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 210. AN ACT relating to county tax commissioners.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 192. AN ACT to amend an Act relating to signals.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 102. AN ACT relating to the establishment of a merit system for all county employes who are employed by fiscal courts, and officers and employes of the county police force and amending sections 78.400, 78.405, 78.410, 78.425, 78.430, 78.440, 78.445, and 78.455 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

Bills and resolutions ofthe following titles were introduced and ordered to be printed and referred, viz:

By Mr. Wathen.

H. B. No. 341. AN ACT relating to insurance and the form and provisions of disability insurance policies, enacting the uni-

form disability policy provisions law, and repealing certain sections of Chapter 304 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.708 of the Kentucky Revised Statutes is amended to read as follows:

Nothing in this Act shall apply to or affect (1) any policy of workmen's compensation insurance or any policy of liability insurance with or without supplementary expense coverage therein; or (2) any policy or contract of reinsurance; or (3) any blanket or group policy of insurance; or (4) life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to accident and sickness insurance as (a) provide additional benefits in case of death or dismemberment or loss of sight by accident, or as (b) operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or supplemental contract.

Section 2. Section 304.709 of the Kentucky Revised Statutes is amended to read as follows:

(1) No disability policy shall be delivered or issued for delivery to any person in this state unless it otherwise complies with this Code, and complies with the following:

(a) It shall purport to insure only one person, except as to family expense insurance written pursuant to KRS 304.745.

(b) The style, arrangement and over-all appearance of the policy shall give no undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsement or attached papers shall be plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower-case unspaced alphabet length of not less than one hundred and twenty-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and caption and subcaption).

(c) The exceptions and reductions of indemnity shall be set forth in the policy and, other than those contained in Sections 4 to 27 of this Act, shall be printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS," or "EXCEPTIONS AND REDUCTIONS," except that if any exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies.

(d) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof.

(e) It shall contain no provision purporting to make any portion of the insurer's charter, rules, constitution, or by-laws a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or shortrate table filed with the commissioner.

(2) If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public official of such other state has advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the applicable standards for disability insurance policies contained in this code.

Section 3. Section 304.712 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 304.660, each such policy delivered or issued for delivery to any person in this state shall contain the provisions as specified in Sections 4 to 15 of this Act, in the words in which the same appear; except, that the insurer may, at its option, substitute for one or more of such provisions corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision shall be preceded by the applicable caption shown or, at the

insurer's option, by such appropriate individual or group caption or subcaption as the commissioner may approve.

Section 4. Section 304.714 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"ENTIRE CONTRACT; CHANGES: This policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions."

Section 5. Section 304.715 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"TIME LIMIT ON CERTAIN DEFENSES: (a) After three years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such three year period."

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial three year period, nor to limit the application of sections 17, 18, 19, 20, and 21, of this Act in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (a) until at least age fifty or (b) in the case of a policy issued after age forty-four, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision, from which the clause in parentheses may be omitted at the insurer's option, under the caption "INCONTESTABLE":

"After this policy has been in force for a period of three

years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.")

(b) No claim for loss incurred or disability (as defined in the policy) commencing after three years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

Section 6. Section 304.716 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"GRACE PERIOD: A grace period of ———————— (insert a number not less than "7" for weekly premium policies, "10" for monthly premium policies, and "31" for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force."

(2) A policy which contains a cancellation provision may add, at the end of the provision contained in subsection (1) of this section: "subject to the right of the insurer to cancel in accordance with the cancellation provision hereof."

(3) A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision: "Unless not less than five days prior to the premium due date the insurer has delivered to the insured, or has mailed to his last address as shown by the records of the insurer, written notice of its intention not to renew this policy beyond the period for which the premium has been accepted."

Section 7. Section 304.717 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"REINSTATEMENT: If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without

requiring in connection therewith an application for reinstatement, shall reinstate the policy: Provided, however, that if the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the insurer or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than sixty days prior to the date of reinstatement.

(2) The last sentence of the provision contained in subsection (1) of this section may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age fifty of, (2) in the case of a policy issued after age forty-four, for at least five years from its date of issue.

Section 8. Section 304.718 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"NOTICE OF CLAIM: Written notice of claim must be given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at ———————— (Insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer."

(2) In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the provision contained in subsection (1) of this Section:

"Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall at least once in every six months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given."

Section 9. Section 304.719 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"CLAIM FORMS: The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made."

Section 10. Section 304.720 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"PROOFS OF LOSS: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within ninety days after the termination of the period for which the insurer is liable and in case of claim

for any other loss within ninety days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required."

Section 11. Section 304.721 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"TIME OF PAYMENT OF CLAIMS: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid ———————— (insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof."

Section 12. Section 304.722 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"PAYMENT OF CLAIMS: Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured."

(2) The following provisions, or either of them may be included with the foregoing provision at the option of the insurer:

"(a) If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a

minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding $———————— (insert an amount which shall not exceed $1000), to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment."

"(b) Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical, or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person."

Section 13. Section 304.723 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"PHYSICAL EXAMINATION AND AUTOPSY: The insurer, at its own expense, shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law."

Section 14. Section 304.724 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a provision as follows:

"LEGAL ACTIONS: No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished."

Section 15. Section 304.725 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a provision as follows:

"CHANGE OF BENEFICIARY: Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy."

(2) The first clause of the provision contained in subsection (1) of this section, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.

Section 16. Section 304.730 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 304.660, no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth in sections 17 to 27 of this Act unless such provisions are in the words in which the same appear in the applicable section; except, that the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the commissioner which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption or, at the insurer's option, by such appropriate individual or group caption or subcaption as the commissioner may approve.

Section 17. Section 304.731 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"CHANGE OF OCCUPATION: If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer,

upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation."

Section 18. Section 304.732 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"MISSTATEMENT OF AGE: If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age."

Section 19. Section 304.733 of the Kentucky Revised Statutes is amended to read as follows:

(1) There may be a provision as follows:

"OTHER INSURANCE IN THIS INSURER: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for ———— (insert type of coverage or coverages) in excess of $———— (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate."

(2) Or, in lieu of the provision contained in subsection (1) of this Section, there may be a provision as follows:

"Insurance effective at any one time on the insured under

a like policy or policies in this insurer is limited to the one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premiums paid for all other such policies."

Section 20. Section 304.734 of the Kentucky Revised Statutes is amended to read as follows:

(1) There may be a provision as follows:

"INSURANCE WITH OTHER INSURERS: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expense incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this insurer had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis, the 'like amount' of such other coverage shall be taken as the amount which the services rendered would have cost in the absence of such coverage."

(2) If the foregoing policy provision is included in a policy which also contains the policy provision set out in subsection (1) of KRS 304.735, there shall be added to the caption of the foregoing provision the phrase "——EXPENSE INCURRED BENEFITS".

(3) The insurer may, at its option, include in the provision, provided in subsection (1) of this section, a definition of "other valid coverage," approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion

of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employe benefit organizations. For the purpose of applying such policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute, including any workmen's compensation or employer's liability statute, whether provided by a governmental agency or otherwise, shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying such policy provision no third party liability coverage shall be included as "other valid coverage".

Section 21. Section 304.735 of the Kentucky Revised Statutes is amended to read as follows:

(1) There may be a provision as follows:

"INSURANCE WITH OTHER INSURERS: If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and for the return of such portion of the premium paid as shall exceed the pro rata portion for the indemnities thus determined."

(2) If the policy provision set out in subsection (1) of this section is included in a policy which also contains the policy provision set out in subsection (1) of KRS 304.734, there shall be added to the caption of the foregoing provision the phrase "——OTHER BENEFITS".

(3) The insurer may, at its option, include in the provision set out in subsection (1) of this section, a definition of "other valid coverage", approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided

by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employe benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute, including any workmen's compensation or employer's liability statute, whether provided by a governmental agency or otherwise, shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying such policy provision no third party liability coverage shall be included as "other valid coverage".

Section 22. Section 304.736 of the Kentucky Revised Statutes is amended to read as follows:

(1) There may be a provision as follows:

"RELATION OF EARNINGS TO INSURANCE: If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or his average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for such proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earning of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two years as shall exceed the pro rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of benefits payable under all such coverage upon the insured below the sum of two hundred dollars or the sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time."

(2) The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums; (a) until at least age fifty or, (b) in the case of a policy issued after age forty-four, for at least five years from its date of issue. The insurer may, at its option, include in such provision a definition of "valid loss of time coverage", approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the commissioner or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute, including any workmen's compensation or employers' liability statute, or benefits provided by union welfare plans or by employer or employe benefit organizations.

Section 23. Section 304.737 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"UNPAID PREMIUM: Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom."

Section 24. There is hereby created a new section of the Kentucky Revised Statutes to read as follows:

There may be a provision as follows:

"CANCELLATION: The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than five days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly

the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation."

Section 25. There is hereby created a new section of the Kentucky Revised Statutes to read as follows:

There may be a provision as follows:

"CONFORMITY WITH STATE STATUTES: Any provision of this policy which, on its effective date, is in conflict with the statutes of the state in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes."

Section 26. Section 304.740 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"ILLEGAL OCCUPATION: The insurer shall not be liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation."

Section 27. Section 304.741 of the Kentucky Revised Statutes is amended to read as follows:

There may be a provision as follows:

"INTOXICANTS AND NARCOTICS: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician."

Section 28. Section 304.744 of the Kentucky Revised Statutes is amended to read as follows:

The provisions which are the subject of sections 4 to 27 of this Act, or any corresponding provisions which are used in

lieu thereof in accordance with such sections, shall be printed in the consecutive order of the provisions in such sections or, at the insurer's option, any such provision may appear as a unit in any part of the policy, with other provisions to which it may be logically related; provided, the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

Section 29. The word "insured", as used in this Act, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

Section 30. (1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of this Act and which is prescribed or required by the laws of the state under which the insurer is organized.

(2) Any policy of a domestic insurer may, when issued for delivery in any other state or country, contain any provision permitted or required by the laws of such other state or country.

Section 31. Section 304.748 of the Kentucky Revised Statutes is amended to read as follows:

If any such policy of disability insurance contains a provision establishing, as an age limit or otherwise, a date after which the coverage provided by the policy will not be effective, and if such date falls within a period for which premium is accepted by the insurer or if the insurer accepts a premium after such date, the coverage provided by the policy will continue in force subject to any right of cancellation until the end of the period for which premium has been accepted. In the event the age of the insured has been misstated and if, according to the correct age of the insured, the coverage provided by the policy would not have become effective, or would have ceased prior to the acceptance of such premium or premiums, then the liability

of the insurer shall be limited to the refund, upon request, of all premiums paid for the period not covered by the policy.

Section 32. The following sections of the Kentucky Revised Statutes are hereby repealed: 304.713, 304.726, 304.727, 304.728, 304.729, 304.742 and 304.743.

Section 33: The provisions contained in sections 1 to 33 of this Act, shall take effect as of the first day of January, 1954. A policy, rider or endorsement, which could have been lawfully used or delivered or issued for delivery to any person in this state immediately before the effective date of this Act may be used or delivered or issued for delivery to any such person during three years after such effective date without being subject to the provisions of this Act.

By Mr. Wathen.

H. B. No. 342. AN ACT relating to trailer coach parks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Trailer Coach" or "Mobile Home" means any vehicle or similar portable structure used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways, and designed to permit the occupancy thereof as a dwelling place for one or more persons;

(2) "Dependent trailer coach" or "Dependent mobile house" means a trailer coach which does not have toilet and bath or shower facilities;

(3) "Independent trailer coach" or "Independent mobile home" means a trailer coach with self-contained toilet and bath or shower facilities;

(4) "Trailer coach park" or "Park" means an area of land upon which two or more occupied trailer coaches are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or in-

tended for use as a part of the equipment of such trailer coach park;

(5) "Trailer coach space" or "Trailer coach site" means a plot of ground within a trailer coach park designated for the accomodation of one trailer coach;

(6) "Department" means the State Department of Health;

(7) "Board" means the State Board of Health.

Section 2. No one shall operate a trailer coach park without having first obtained a permit as provided for in this Act. An application for a permit to conduct a trailer coach park shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be prescribed. Each application shall be accompanied by a permit fee of twenty-five dollars.

Section 3. (1) Upon receipt of an application for a permit to operate, accompanied by the permit fee, the department shall issue a permit, if the trailer coach park meets the standards and requirements of this Act and the rules and regulations of the board.

(2) Any one operating a trailer coach park which is in operation on July 1, 1954, shall be issued a permit to operate, provided that, by January 1, 1955, the trailer coach park shall comply with all requirements of sanitation established under this Act including the rules and regulations adopted therefor. However, failure to comply with the required standards within the six months period, shall result in the institution of an action for revocation or suspension of the permit.

(3) Each permit to operate, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually, upon application for a fee of ten dollars.

(4) Trailer coach parks operated by governmental agencies shall be exempt from the payment of fees and permit requirements but shall comply with all other requirements of this Act.

(5) Each permit to operate shall be issued only for the

premises and persons named in the application and shall not be transferable.

(6) Permits to operate shall be posted in a conspicuous place at the trailer coach park.

Section 4. No trailer coach park shall be constructed or extensively altered without a permit as provided in this Act. An application for a permit to construct a trailer coach park shall be made to the department upon forms provided by it. The application shall include plans for construction or extensive alteration and shall contain such information in regard to the proposed trailer coach park as the department may reasonably require, which may include affirmative evidence of ability to comply with requirements of this Act and standards, rules and regulations as may be lawfully prescribed hereunder. Each application for a permit to construct or extensively alter a trailer coach park shall be accompanied by a permit fee of twenty-five dollars.

Section 5. (1) The department may issue a permit to construct upon receipt of an application for a permit to construct a trailer coach park. If the application is refused, the department shall give the reasons therefor in writing to the applicant; and if the objections can be corrected, the applicant may send his application and re-submit it for approval. If a permit to construct a trailer coach park has been issued, the applicant, upon completion, shall notify the department. The department shall then inspect the trailer coach park and, if completed in accordance with the accepted application, the department shall issue a permit to operate upon receipt of the application and permit fee required in Section 2 of this Act.

(2) No change in any sanitary facilities, methods of water supply, sewer drainage, garbage or waste disposal, and no change in the plan of any existing trailer coach park or in any proposed trailer coach park for which an application to construct has been made or permit to construct has been issued, shall be made without first making a written application to the department and receiving a written permit. The application shall be made in the manner prescribed for an original application. The change or

changes shall comply with such sanitary code, rules and regulations as are applicable thereto.

(3) A permit to construct or alter a trailer coach park does not relieve the applicant from securing building permits in municipalities or counties having a building code, or from complying with any municipal or county zoning or other ordinance applicable thereto.

Section 6. (1) The department, after notice to the applicant or holder of a permit to operate and after a hearing as herein provided, is authorized to deny, suspend or revoke a permit to operate in any case where it finds that there has been a failure to comply with the requirements established under this Act.

(2) Notice of hearing shall be issued in the name of the department. It shall state the time and place of the hearing which shall not be less than thirty days from service of the notice, and shall contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the applicant or holder of the permit of the substance of the facts claimed to constitute a violation of this Act.

(3) Service of notices may be made in the manner prescribed by law for the service of civil process, or may be made by any employe of the department personally delivering same to the applicant or holder of the permit, or by the department forwarding same to the applicant or holder of the permit by United States registered mail postage prepaid at the address of the applicant or holder as reflected by the records of the department.

(4) The hearing may be conducted by a hearing officer or a hearing committee appointed by the department. All persons appointed by the department as hearing officer or as members of a hearing committee are authorized to administer oaths, issue subpoenas for attendance of witnesses and for the production of books, papers and documents, and to cite for contempt, before the circuit or quarterly court in the county in which the hearing is held, disobedience of its process or insubordinate or disrespectful conduct.

(5) The applicant or holder of the permit proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the department so permits, by deposition.

(6) All decisions revoking, suspending or denying permits or applications shall be made by the department, which may review any and all orders and rulings made by a hearing officer or hearing committee, and which shall consider the entire transcript of the record of hearing that shall be prepared and furnished to the department in the event the hearing is conducted by a hearing officer or hearing committee.

(7) The department shall notify by registered United States mail postage prepaid the applicant or holder of permit of the decision of the department which decision shall become final and conclusive thirty days after notice thereof is given as above provided, unless the applicant or holder of the permit within said thirty day period, appeals to the board therefrom pursuant to Section 13 of this Act.

(8) The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the board.

Section 7. Each trailer coach park issued a permit to operate or to be constructed under the provisions of this Act shall:

(1) Comply with all local zoning regulations;

(2) Be in charge of a responsible attendant or caretaker at all times;

(3) Not allow a nuisance to be created or allow a nuisance to continue to exist in the trailer coach park;

(4) Be so located that the drainage of the park area will endanger any water supply;

(5) Be well drained;

(6) Furnish an adequate supply of water of safe, sanitary quality, approved by the department, as well as an adequate supply of hot water;

(7) Provide adequate toilet, lavatory and bathing facilities for occupants of dependent trailer coaches;

(8) Maintain buildings at a temperature of at least sixty-eight degrees Fahrenheit during the period from October 1 to May 1;

(9) Provide a laundry room or building containing laundry trays to accommodate the patrons of the trailer coach park, however, no laundry trays shall be located in toilet or bathrooms;

(10) Dispose of all sewage and other water-carried wastes into a municipal sewage system whenever available; However, where connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health, and is approved by the department;

(11) Permit no water or waste to fall on the ground from a trailer coach;

(12) Supply a sufficient number of adequate flyproof and watertight containers for the storage of garbage and rubbish;

(13) Dispose of garbage and rubbish in a manner which creates neither a nuisance nor a menace to health and which is approved by the department;

(14) Employ adequate insect and rodent control measures;

(15) Make all buildings fly and rodent proof and eliminate rodent harborages;

(16) When community kitchens and dining rooms are provided, maintain such facilities and equipment as are supplied, in a sanitary condition and good repair;

(17) Be subject to the rules and regulations of the State Fire Marshal;

(18) Notify immediately the local health department of any suspected communicable disease within the trailer coach park.

Section 8. When the department has approved an application for a permit to construct or make alterations upon a trailer

coach park or the appurtenances thereto, or a permit to operate and maintain such a park, it shall retain the original and keep a file thereof. One copy shall be returned to the applicant or his agent; and one copy to the local health department of the county in which the trailer coach park is located.

Section 9. The board is empowered to establish standards and requirements for trailer coach parks within the provisions of this Act, and to promulgate rules and regulations for the administration and enforcement of this Act and the standards and requirements established.

Section 10. Nothing in this Act should be construed to include buildings, tents, or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor, or the area or premises on any farm upon which are harbored trailer coaches occupied by persons employed upon the farm for not more than ninety days in any calendar year in the production, harvesting or processing of agricultural products produced.

Section 11. The department shall enforce the provisions of this Act and the rules and regulations adopted pursuant thereto affecting health, sanitation, water supply, sewage, garbage and waste disposal, and the department shall cause to be inspected at least once each year each trailer coach park and all accomodations and facilities connected therewith. The department may carry out the provisions of this Act through the local health departments. Such officials or employes of the department and the local health departments are hereby granted the power and authority to enter upon the premises of each trailer coach parks at any time for the purposes set forth in this Section.

Section 12. Trailer coach parks operating only between May 1 to October 1, shall be governed by separate rules and regulations of the board if in the opinion of the board such rules and regulations are necessary.

Section 13. Any applicant or holder of a permit aggrieved by a decision of the department made in accordance with section 6 of this Act may, within thirty days after the mailing of notice

of the decision as provided in section 6, prosecute an appeal therefrom to the board.

Section 14. All fees collected under the provisions of this Act shall be deposited in the State Treasury in a revolving fund for the use of the department in carrying out the provisions of this Act.

Section 15. There is hereby appropriated to the department out of the general expenditure fund in the state treasury, the sum of twenty thousand dollars for each of the fiscal years 1954-55 and 1955-56, which appropriation shall be in addition to any other appropriations made to the department.

Section 16. Any person who violates any provision of this Act, shall be fined not less than ten dollars nor more than one hundred dollars. Each day of violation shall constitute a separate offense.

Section 17. This Act shall become effective on July 1, 1954.

By Mr. Wathen.

H. B. No. 343. AN ACT relating to flammable liquids.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Flash point" means the minimum temperature, in degrees Fahrenheit, at which a flammable liquid will give off flammable vapors as determined by test procedure and apparatus specified in the "Standard Method of Test for Flash Point by Means of the Tag Closed Tester" (A.S.T.M. D 56-52) published by the American Society for Testing Materials;

(2) "Class A liquid" means any flammable liquid which has a flash point of one hundred degrees Fahrenheit, or less;

(3) "Class B liquid" means any flammable liquid which has a flash point above one hundred degrees Fahrenheit.

Section 2. No person shall have for sale, sell, give or de-

liver to another any product known, advertised, sold or offered for sale as kerosene, coal oil, fuel oil, stove oil, range oil, furnace oil, distillate or diesel fuel, or by a trade name commonly identified with any such product, unless the product constitutes a Class B liquid.

Section 3. No dealer shall sell or deliver kerosene, coal oil, fuel oil, stove oil, range oil, furnace oil or other Class B liquid except from a container having the name of the liquid sold plainly marked or labeled on the container, or on the pump or delivery equipment serving such container.

Section 4. No compartment of a tank vehicle which has contained a Class A liquid on the prior loading shall be loaded with Class B liquid until such equipment and all piping and accessory delivery equipment connected thereto have been drained of all Class A liquid and then flushed with a quantity of Class B liquid sufficient to clear them of any remaining Class A liquid; or cleared of Class A liquid by some equally effective method.

Section 5. In the event that a tank vehicle is equipped with a pump, meter, and hose, or any combination thereof, such equipment shall not be used for the delivery of Class B liquid if its prior use has been for Class A liquid, unless it has first been flushed with a quantity of Class B liquid sufficient to effectively clear it of all Class A liquid; or cleared of Class A liquid by some equally effective method.

Section 6. In the event that compartments of a tank vehicle are connected to a common outlet or manifold, no compartment so connected shall contain Class A liquids while any other compartment so connected contains Class B liquids.

Section 7. No manifold, pump, meter, or hose shall be used for the delivery of Class A and Class B liquids on the same trip. Flushing, as provided in Section 5 of this Act, shall not be done during the course of deliveries. If the use of a manifold, pump, meter, or hose is required for the delivery of Class A and Class B liquids on the same trip, then separate delivery equipment shall be provided. Such equipment shall be tagged or painted to clearly indicate the class of liquid for which it is used.

Section 8. (1) Any person violating the provisions of this Act shall be fined not less than one hundred dollars or more than five hundred dollars, or imprisoned in the county jail for not more than sixty days.

(2) Any firm or corporation violating the provisions of this Act shall be fined not less than one hundred dollars or more than five hundred dollars.

By Mr. McCallum.

H. Res. No. 46. A JOINT RESOLUTION authorizing the personal representatives of Emmett Hutchinson, deceased, Thomas Hutchinson, Sr., deceased, Mrs. Rose Hutchinson, deceased, and Terry Hutchinson, deceased, each or all of them, of Christian County, to sue the Commonwealth of Kentucky and the Department of Highways, either or both.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representatives of Emmett Hutchinson, deceased, Thomas Hutchinson, Jr., deceased, Mrs. Rose Hutchinson, deceased, and Terry Hutchinson, deceased, each or all of them, be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate the estates of Emmett Hutchinson, deceased, Thomas Hutchinson, Jr., deceased, Mrs. Rose Hutchinson, deceased, and Terry Hutchinson, deceased, for the injuries and damages, if any, sustained by their respective estates as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents, officers or employes, in maintaining the right of way and road markings along Kentucky State Highway Number 164 in Christian county, Kentucky.

Section 2. Each of said suits shall be for a sum not in excess of $20,000.00.

Section 3. That the actions herein authorized and per-

mitted may be brought in the Christian Circuit Court, same being the circuit court having jurisdiction in Christian county, Kentucky, the county in which the damages and injuries were incurred. Said suits shall each be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said actions may appeal from any judgment which may be entered by the Christian Circuit Court to the Court of Appeals as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

By Mr. Breathitt.

H. Res. No. 47. A JOINT RESOLUTION authorizing Clarence Brewer Price and Ruby Irene Price, his wife, of Christian County, to sue the Commonwealth of Kentucky and the Department of Highways, either or both.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Clarence Brewer Price and Ruby Irene Price, his wife, be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate them for the injuries and damages, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Com-

monwealth of Kentucky and the Department of Highways thereof, either or both, their agents, officers and employes, in entering upon and taking a portion of the real property of Clarence Brewer Price and Ruby Irene Price, his wife, without permission from or compensation to them.

Section 2. Said suit shall be for a sum not in excess of $2,500.00.

Section 3. That the action herein authorized and permitted may be brought in the Christian Circuit Court, same being the Circuit Court having jurisdiction in Christian County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Christian Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced in evidence, nor commented upon by counsel in argument to the jury.

REFERRAL OF BILLS AND RESOLUTIONS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill No. 288—Revenue and Taxation

House Bill No. 289—Education

House Bill No. 290—Public Health

House Bill No. 291—Ways and Means

House Bill No. 292—Cities of the Fourth Class

House Bill No. 293—Education

House Bill No. 294—Ways and Means

House Res. No. 38—Ways and Means.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Wednesday, February 17, 1954.

Said motion was agreed to.

And the House did then adjourn.

WEDNESDAY, FEBRUARY 17, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Robert J. Laughlin, Pastor of the First Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Charles W. Buchanan	O. O. Duncan
Walter J. Bailey	Harry M. Caudill	Harold Edmonds
John Rhea Banton	Cassius M. Clay	Addison L. Everett
Clarence J. Barnum	Paul Cobb	Herbert Fern
Wallace Bartley	William J. Conley	Thomas P. Fitzpatrick
Charles E. Baumgardner, Sr.	R. Josh Cosby	W. L. Hadden
Owen Billington	Vernor O. Cottengim	C. Ruby Harralson
Leo A. Bleemel	Charles W. Craig	George F. Harris
J. Murray Blue	W. Marvin Davis	Harold G. Helm
J. C. Bradley	John L. Day	David Heskamp
Edward T. Breathitt, Jr.	Albert Dempsey	Henry R. Heyburn
Edward O. Bridgers	C. E. Dowell	Lon C. Hill
	James A. Dressman, Jr.	Estill R. Hilton
		Chester J. Holsclaw

Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the reading of the Journal of the proceedings of Tuesday, February 16, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to all absent members.

Said motion was agreed to.

The Clerk read the following communication, viz:

February 10, 1954.

Honorable Charles W. Burnley
Speaker of the House
Commonwealth of Kentucky
Frankfort, Kentucky

Dear Mr. Speaker:

This is to acknowledge receipt of House Resolution No. 13,

dated January 20th, 1954, adopted by the General Assembly of the Commonwealth of Kentucky, petitioning the Congress to continue to maintain and operate locks on the Kentucky River.

I am pleased to advise you that I called Brigadier General C. H. Chorpening, Assistant Chief of Engineers for Civil Works, on January 28th, immediately upon receiving a report that the locks and dams were to be closed down and was advised that it was completely without foundation. General Chorpening informed me that the Engineers had issued no instructions which would discontinue the maintenance and operation of all existing locks and dams on the Kentucky River, and further, that operation and maintenance work is scheduled for accomplishment during the current fiscal year and is programmed for the fiscal year 1955, on the expectation that additional commercial travel will develop. In this respect, the Engineers have recommended an appropriation of $235,000 for the fiscal year 1955 for the maintenance and operation of navigation facilities on the river.

Let me assure you that I shall continue my efforts unabated in the interest of modernization of the locks and dams.

With every good wish, I am

Sincerely yours,

Earle C. Clements
Earle C. Clements, U. S. S.

INTRODUCTION OF RESOLUTIONS AND BILLS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Holsclaw.

H. Res. No. 48. A RESOLUTION authorizing the Committee on Ways and Means of the House of Representatives of the 1954 session of the General Assembly to study means of improving the law relating to adoption, and authorizing the holding of a public hearing on such subject.

Said resolution is as follows, viz:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the Committee on Ways and Means of the House of Representatives of the 1954 session of the General Assembly is hereby authorized, empowered and directed to study means of improving the law relating to adoptions.

Section 2. That, in order to give the committee the benefit of all available information on the manner in which the present law relating to adoption functions and to provide insight into the ways in which such law can be improved, the said committee is hereby authorized to hold a public hearing on the subject at such time and place as said committee shall prescribe.

By Mr. McCallum.

J. Res. No. 49. A JOINT RESOLUTION requesting members of the Federal Congress from Kentucky to take such steps as are necessary to cause the Department of Health of the Federal Government to remove the menace to health of the people in and around the West and East Forks Drainage Districts located in Graves and Marshall Counties, Kentucky.

Said resolution is as follows, viz:

WHEREAS, the ditches of the drainage districts upon the West and East Forks of Clarks River in Graves and Marshall Counties of Kentucky have been filled up with sediment causing the overflow on the lands within said districts to such an extent that a majority of said lands cannot be cultivated; and

WHEREAS, the annual payment on the bonds issued to secure the funds to construct the ditches in said districts is so great that many of the owners of the real estate therein have had their farms sold by orders and judgments of the courts to meet those due bonded obligations but did not and will not meet the future annual obligations that will accrue for a long period of time; and

WHEREAS, the majority of the farms therein cannot be cultivated to produce funds necessary to liquidate a tax large enough to repair and reconstruct ditches therein; and

WHEREAS, the overflow in said districts have created a menace to the health of the people not only within said districts, but extend far beyond those districts, including the regions in and around Calvert City and the dam across the Tennessee River at that place;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the United States Senators and the members of the House of Representatives of the Federal Congress from Kentucky be requested to appeal to the Department of Federal Health to take such steps as are necessary to remove the menace to the health of the people in and around the drainage districts of the West and East Forks of Clarks River located in Graves and Marshall Counties of Kentucky.

2. BE IT FURTHER RESOLVED that a copy of these resolutions be certified by the clerks and presiding officers of the Kentucky Senate and House of Representatives and be mailed to each member of the Federal Senate and House of Representatives from the Commonwealth of Kentucky.

By Mr. Clay and Mr. Wiseman.

J. Res. No. 50. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the laws of Kentucky with respect to control of diseased livestock and related matters.

Said resolution is as follows, viz:

WHEREAS, many livestock diseases constitute a serious threat both to the livestock industry and also to the health of the people of this Commonwealth; and

WHEREAS, it appears that certain of the laws now on the statute books are adequate to institute a program of control of such diseases, but are impossible of enforcement or implementation due to lack of funds; and

WHEREAS, it appears that in some instances farmers of this Commonwealth have not only had to bear the economic

losses arising from disease in their flocks or herds, but have also been unable to take advantage of certain favorable provisions of the Federal Internal Revenue Code due to lack of an active program of livestock condemnation in this Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Legislative Research Commission, in cooperation with the Commissioner of Agriculture, Labor and Statistics, the College of Agriculture of the University of Kentucky, the Commissioner of Health, and the member of any Special Committee of Citizens which the Governor may see fit to appoint for that purpose is authorized and directed to make a careful and impartial study of the laws of this Commonwealth pertaining to control of livestock diseases with respect particularly to the various problems suggested in the preamble to this Joint Resolution. The Legislative Research Commission shall report to the next regular Session of the General Assembly, its findings and recommendations with respect to such matters as it deems essential to its study, including particularly the following:

(1) Whether or not it is desirable and feasible to establish a program for condemnation of diseased livestock by the Commonwealth, with indemnity to be paid the owner, and, if so, recommendations for financing such a program; (2) whether the laws pertaining to quarantine of diseased livestock and protection of the public health from danger from such source need to be strengthened and, if so, how; (3) whether the laws of this Commonwealth are such as to enable Kentucky's citizens whose flocks and herds may chance to be ravaged by infectious disease, to take full advantage of such favorable provisions of the Federal Internal Revenue Code as may exist.

By Mr. Lowman.

H. B. No. 344. AN ACT relating to local public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 212.170 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) The county board of health of each county having a county department of health shall, subject to the approval of the State Department of Health, appoint a health officer having the qualifications provided in KRS 212.180, who shall, subject to merit system provisions, hold office at the pleasure of both the county board and the State Department of Health.

(b) If there are no qualified applicants for the position of health officer, the county board shall, with the approval of the State Department of Health, appoint a health administrator having the qualifications provided in KRS 212.180, who shall, subject to merit system provisions, hold office at the pleasure of both the county board and the State Department of Health. A health administrator shall have all the authority, duties and responsibilities reposed by law in a health officer except those duties and responsibilities that only a licensed physician is authorized by law to perform.

(c) A health officer or health administrator may appoint one or more deputies and, subject to merit system provisions, revoke their appointments at his pleasure. A deputy health officer or deputy health administrator shall exercise such duties as may be delegated to him by the health officer or health administrator. Any duty enjoined by law upon a health officer or health administrator may be delegated to and performed by his lawful deputy except those duties and responsibilities that only a licensed physician is authorized by law to perform. Each deputy health officer and each deputy health administrator shall possess such education, training and experience, and other qualifications as may be prescribed by the State Department of Health and need not be a physician.

Section 2. Subsection (3) of Section 212.190 of the Kentucky Revised Statutes is amended to read as follows:

(3) The health officer of counties having a county depart-

ment of health shall receive a salary to be fixed by the county board of health subject to the approval of the State Department of Health. He shall receive necessary traveling expenses.

Section 3. Section 212.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) County boards of health of every county having a county department of health shall:

(a) Appoint a county health officer or health administrator and fix his salary pursuant to the provisions of Sections 1 and 2 of this Act;

(b) Hold a regular meeting at least once every three months and such other special or regular meetings as may be desired and keep full minutes of all the proceedings in a book provided for this purpose;

(c) Adopt, except as otherwise provided by law, such rules and regulations not in conflict with the rules and regulations of the State Board of Health, as may be necessary to protect the health of the people or to effectuate the purposes of this Act or any other Act relating to public health;

(d) Act in a general advisory capacity to the health officer or health administrator on all matters relating to the county department of health;

(e) Hear and decide appeals from rulings, decisions, and actions of the county health department or health officer or health administrator, where the aggrieved party makes written request therefor to the board within thirty days after the ruling, decision, or action complained of;

(f) Perform all other functions necessary to carry out the provisions of law and the rules and regulations adopted pursuant thereto, relating to county boards of health.

(2) Except as otherwise provided in subsection (1) above, all powers and authority of the county board of health under existing statutes, are transferred to the county department of health.

Section 4. Section 212.240 of the Kentucky Revised Statutes is amended to read as follows:

County departments of health shall:

(a) Administer and enforce in the county and in all cities and towns situated therein, except as otherwise provided by law, all applicable public health laws of the Commonwealth and all of the rules and regulations of the state and county board of health issued thereunder;

(b) Under the general supervision of the county board of health and the State Department of Health formulate, promote, establish and execute policies, plans and programs to safeguard the health of the people of the county and establish, maintain, implement, promote and conduct facilities and services for the purpose of protecting the public health;

(c) Make such statistical or other reports relating to the activities of the department as they may deem expedient or as may be required by the county board of health or the State Department of Health.

Section 5. County health departments may:

(1) Employ and fix the compensation of, by contract or otherwise, subject to the approval of the State Department of Health, all medical, technical, clerical, professional and other employes necessary for the maintenance and operation of the department in accordance with standards prescribed by the State Board of Health;

(2) Utilize available services, facilities, equipment and personnel of the State Department of Health or of the United States Public Health Service upon such terms of payment or reimbursement as are agreed on by the department and the State Department of Health or the United States Public Health Service;

(3) Contract for services not otherwise available;

(4) Provide for the public health training and instruction of employes and compensate and defray the reasonable expenses of said employes while they are pursuing public health training courses approved by the State Department of Health;

(5) Establish or contribute to a retirement system or fund for employes of the department;

(6) Issue and require the heads of families and other persons to execute such orders as the board considers expedient to prevent the outbreak and spread of communicable diseases, and to this end bring the infected population under prompt and proper treatment;

(7) Issue written orders directed to the owner or occupant of any property, or to any person, firm or corporation whatever, commanding, within the time and manner specified in the order, compliance with applicable public health laws of this state and all regulations of the State Board of Health or the county board of health. Nothwithstanding the provisions of this section and of KRS 212.210, any health officer or health administrator may institute and maintain mandatory or prohibitory injunction proceedings in the appropriate circuit courts of this state to abate nuisances that are or may be a menace to the health of the people of the state or community, and to compel compliance with the public health laws of this state and the regulations of the State Board of Health and the county board of health and the orders described in this section or in KRS 212.210;

(8) Through its health officers or health administrators, representatives and agents enter upon any premises when necessary for the purpose of making inspections and investigations and view evidence and interrogate persons to the extent required in the performance of their duties and responsibilities. The department or the health officer or health administrator thereof may issue subpoenas, subpoena duces tecum and all necessary process in proceedings brought before or initiated by the department or board, and such process shall extend to all parts of the Commonwealth. Service of process may be made by registered mail or in the manner prescribed by the rules of civil procedure;

(9) Provide administrative, investigative and clerical services required by the county board of health;

(10) Cooperate with other health departments, agencies and organizations in matters relating to public health;

(11) Except as otherwise provided by law, do all other things reasonably necessary to protect and improve the health of the people.

Section 6. Subsection (3) of Section 212.260 of the Kentucky Revised Statutes is amended to read as follows:

The health officer or health administrator of a county that has formed a county department of health shall:

(a) Devote his entire time to the duties of his office, and shall not practice his profession for compensation from his patients;

(b) Be secretary of the county board of health and keep full minutes of the proceedings of the county board of health in a book provided for that purpose;

(c) Be the chief administrative officer of the county health department.

Section 7. Section 212.660 of the Kentucky Revised Statutes is amended to read as follows:

The city-county board of health shall appoint a health officer or health administrator and employ other persons necessary for the work of the city-county health department in the same manner and subject to the conditions applicable to county health officers, county health administrators and county health employes.

Section 8. No person shall fail or refuse to observe or obey a written order of any board of health, department of health, health officer or health administrator issued pursuant to the provisions of law or regulations adopted thereunder.

Section 9. Subsection (2) of Section 212.990 is amended to read as follows:

Any person who violates Section 8 of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each day the violation continues.

Section 10. Section 212.250 of the Kentucky Revised Statutes is repealed.

Section 11. This Act shall become effective July 1, 1954.

By Mr. Martin.

H. B. No. 345. AN ACT relating to terms of Court in the 38th Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (38) of 23.050 of the Kentucky Revised Statutes is amended to read as follows:

"The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Butler County, at Morgantown, on the first Monday in March, the first Monday in June and the first Monday in November, twelve juridical days each.

Edmonson County, at Brownsville, on the third Monday in March, the third Monday in June and the third Monday in November, twelve juridical days each.

Muhlenberg County, at Greenville, on the second Monday in January, the first Monday in April, the second Monday in July and the first Monday in October, eighteen juridical days each.

Ohio County, at Hartford, on the first Monday in February, the first Monday in May and the first Monday in September, eighteen juridical days each."

Section 2. This Act shall become effective on the fourth day of July, 1954.

By Mr. Holsclaw.

H. B. No. 346. AN ACT relating to the registration of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person residing in this state who is required by KRS 186.020 to 186.260 to register a motor vehicle

in this state shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the county clerk to whom such application is made a tax receipt, or other evidence, showing that he has paid in full his personal property taxes which accrued and fell due and payable to the state and to the county in which he resides during the year next preceding that in which such registration receipt and plate are issued or are to be issued. The term "other evidence," as used in this section, shall mean a statement signed by the sheriff of the county in which the owner of such motor vehicle resides.

(2) An owner of a motor vehicle who, during the year next preceding that in which such motor vehicle registration receipt and plate are issued or are to be issued, owned no personal property subject to state and county taxation in the county in which he resides, or who was not subject to such taxation during such preceding year, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the tax commissioner of the county in which he resides, certifying that such owner, during such preceding year, owned no personal property subject to state and county taxation, or was not subject to such taxation, as the case may be, in the county in which he resides.

Section 2. (1) No person residing in any city in this state levying and collecting taxes on personal property who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state, shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the county clerk to whom such application is made, in addition to the information required in Section 1 of this Act, a tax receipt, or other evidence, showing that he has paid in full his personal property taxes which accrued and fell due and payable to the city in which he resides during the year next preceding that in which such registration receipt and plate are issued or are to be issued. The term "other evidence," as used in this section, shall mean a statement signed by the

official charged with the duty of collecting personal property taxes levied by the city in which the owner of such motor vehicle resides.

(2) An owner of a motor vehicle who, during the year next preceding that in which such motor vehicle registration receipt and plate are issued or are to be issued, owned no personal property subject to taxation by the city in which he resides, or who was not subject to such taxation during such preceding year, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the official charged with the duty of assessing personal property in the city in which he resides, certifying that such owner, during such preceding year, owned no personal property subject to taxation, or was not subject to such taxation, as the case may be, by the city in which he resides.

(3) In the event the city in which such owner resides has, pursuant to KRS 132.285, elected to adopt and use the annual assessment of the county in which such city is located as the basis upon which ad valorem tax levies on personal property are made by such city, the statement referred to in subsection (2) of this section shall be procured from the tax commissioner of such county.

Section 3. Compliance with the provisions of this Act shall not relieve the owner of any motor vehicle of the necessity of fulfilling all other requirements prescribed by law for the registration of motor vehicles in this state.

By Mr. Holsclaw.

H. B. No. 347. AN ACT relating to employes of city-county boards of health of cities of the first class and counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1 Section 212.420 of the Kentucky Revised Statutes is amended to read as follows:

The director of health shall be a physician, qualified as a public health administrator as provided by standards set up by the State Board of Health of Kentucky and duly qualified and licensed or eligible for license as a medical practitioner in the Commonwealth of Kentucky. He shall receive an annual salary not in excess of twelve thousand dollars, payable as other salaries are paid, and shall serve at the pleasure of the board. If said director of health is removed by the board he shall be notified thereof in writing, and before such removal shall become effective said director shall have ten days within which to make a written request for a public hearing in regard thereto. The board shall not be required to hold a hearing unless so requested by said director. If no such request is made said removal shall become effective upon the expiration of said ten-day period. If such request is made said public hearing shall be held at the office of the board within ten days after such request is received by the board, and said director shall not be removed until after such hearing has been held, and a decision rendered by the board. The board's decision shall be final.

Section 2. Notwithstanding the provisions of KRS 64.620, physicians, dentists, veterinarians, hospital administrators and engineers employed by a city-county board of health of a city of the first class and a county containing such city may receive as compensation for services rendered as such employes an amount not in excess of twelve thousand dollars per annum.

Section 3. Subsection (1) of section 212.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall fix the compensation of all agents and employes of the board, and such compensation shall, except as otherwise provided by law, be as nearly comparable as practicable with the compensations paid and received by corresponding or comparable civil employes of such city or county.

By Mr. Holsclaw.

H. B. No. 348. AN ACT relating to pawnbrokers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 226.080 of the 1953 Edition of the Kentucky Revised Statutes is hereby repealed.

By Mr. Conley.

H. B. No. 349. AN ACT relating to collection of taxes upon the property in any fire protection district, amending section 75.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 75.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

Upon the creation of a fire protection district as provided in KRS 75.010 to 75.030 the trustees of such district are hereby authorized to establish and operate a fire department in such district and to levy a tax upon the property in said district, subject to county tax, and not exceeding ten cents per one hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance and operation of said fire department or to make contracts for fire protection for such district as provided in KRS 75.050. After the tax has been levied as herein provided, such trustees may certify the same to the sheriff of the county in which the fire protection district is located who may collect such tax when and as the county taxes are collected by him, or such trustees may employ their own tax collector to collect such taxes. Any delinquent fire protection district taxes shall bear the same interest and penalties as do delinquent county taxes. Whoever collects such taxes shall be entitled to a commission of one percent of the amount collected by him.

By Mr. Bridgers.

H. B. No. 350. AN ACT relating to the establishment of public pounds for animals in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each city-county board of health created by KRS 212.350 shall establish, maintain and operate a public pound for animals in which, except as otherwise provided by law, shall be impounded all stray, vicious or diseased animals taken up or collected in such county, whether in incorporated or unincorporated areas, by any public officer or authority or by any other person. Each such board shall, throughout the county, including all municipalities therein, enforce all statutes, ordinances of cities, orders or resolutions of the fiscal court of the county and regulations of such board or any other governmental body or agency authorized to adopt such regulations, relating to the taking up, collection and impounding of stray, vicious or diseased animals. Each such board may promulgate and enforce reasonable and necessary rules and regulations providing for the collection and impounding of such animals and governing the use and operation of such public pounds.

Section 2. Subsection (1) of section 83.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department of public safety shall be under the supervision and direction of a director of safety, and shall have exclusive control, under the city ordinances, of all matters relating to the division of the police department and the division of the fire department, the inspector of weights and measures, and such other matters as are provided by statute or ordinance. It shall cause the lawful ordinances of the city to be enforced and, whenever consistent with its own rules and the requirements of law, it shall furnish all information desired.

Section 3. Subsection (4) of section 95.170 of the Kentucky Revised Statutes is amended to read as follows:

(4) All animals stolen, strayed or lost that come into the possession of the property clerk shall be sent to a public pound located within the county in which the city is located.

By Mr. Banton.

H. B. No. 351. AN ACT relating to definition of places of entertainment and amending Section 231.010 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 231.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

As used in this chapter, "place of entertainment" means a roadhouse, place offering intoxicating or nonintoxicating drinks for sale, tourist camp or place of public entertainment at which people assemble to eat, drink, dance, bathe or engage in any game or amusement. It shall not mean a private home at which bona fide guests are entertained, drive-in theatres, places of business conducted only as filling stations for motor vehicles or grocery stores, nor transient and temporary entertainments such as circuses, carnivals and county fairs.

By Mr. Helm.

H. B. No. 352. AN ACT relating to a Veterans Bonus and providing a sales tax on alcoholic beverages for payment thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definition. As used in this Act, and unless a different meaning appears from the context:

(a) The term "Board" means the Kentucky Disabled Ex-Service Men's Board.

(b) The term "member of the armed forces of the United States" means any person in active military or naval service in the land, air, or naval forces of the United States, including all members of the army of the United States, air forces of the United States, United States Navy, United States marine corps, United States coast guard, and any and all of their respective components, including both male and female members. Service

in the merchant marine shall not be considered for the purposes of this Act.

(c) The term "next of kin" means the widow or widower, who has not remarried, children, persons standing in loco parentis, mother, father (however if the mother, or father has abandoned, deserted or failed to exercise parental care to deceased while a minor, she or he will be removed from the line of succession within this definition), of any member of the armed forces of the United States, in the order named and none other.

(d) The term "continental limits of the United States" is limited to the states of the United States and the District of Columbia.

Section 2. A bonus shall be paid to each member of the armed forces of the United States still in the armed forces, or separated or discharged under honorable conditions, who was on active duty with such armed forces at any time during which period the congress of the United States has declared a state of war to exist, who was on such duty at least ninety days, and who was a resident of this state for at least six months immediately prior to his or her enlistment, induction or call to active duty, such bonus shall be payable out of the War Bonus Fund created by this Act, shall be based solely on service within the above period and, subject to the provisions and limitations of subsection (1) and (2) of this Section, be computed and paid as follows:

For each month of service within the continental limits of the United States the sum of five dollars; for each month of service outside the continental limits of the United States the sum of ten dollars.

(1) The minimum bonus payable hereunder shall be thirty dollars. The bonus for a fraction of a month of service shall be paid on the basis of one-thirtieth of the above monthly amounts for each day of such service. (2) Except as provided in subsection (5) of this Section with reference to disabilities, the maximum bonus payable to any member of the armed forces under this Act shall be five hundred dollars, regardless of the length of service of such member. No payment shall be made

to any member of the armed forces of the United States who, though in service, was a conscientious objector to military service: Provided, however, that a bonus shall be paid as provided for in this Act to any conscientious objector who was disabled as established by the United States Veterans Administration while serving in the armed forces of the United States in a military capacity and who was honorably discharged; and, provided further that the bonus provided for in this Act shall be paid to the next of kin of any conscientious objector who died while on active duty in the armed forces of the United States in a military capacity during the period from December 7, 1941 to and including September 2, 1945, and such death was service connected. No payment shall be made to any person who did only civilian work at civilian pay, or who has received from another state a bonus or adjusted compensation of a like nature as is provided by this Act. No payment of a bonus shall be made under this Act until the board shall order and direct the payment thereof in keeping with the terms of this Act, and, in such order, fix the date upon which payment of such claims shall begin. The recipients of the bonus monies shall be divided into three classes, as follows:

1st class shall include all persons referred to in subsection (4) of this Section.

2nd class shall include all persons referred to in subsection (5) of this Section.

3rd class shall include all other claims allowed under this Act which are not included in the 1st and 2nd classes of this Section.

The Board is hereby authorized to direct the payment of such claims and fix the date upon which payment of such claims shall begin, but no such direction or order shall be made by the Board until it shall find that the monies in the War Bonus Fund are sufficient to pay in full all claims, allowed or to be allowed as herein later provided in the 1st class. After all claims in the 1st class have been satisfied, the board may authorize payment to the 2nd class and fix the date upon which payment of such claims shall begin, but no such direction or order shall be made by the board until it shall find that the

monies in the War Bonus Fund are sufficient to pay in full all claims, allowed or to be allowed as herein later prescribed in the 2nd class. After satisfaction of all claims following within the 1st and 2nd classes and upon finding sufficient monies in the War Bonus Fund to pay in full all claims in the 3rd class, the board is authorized to direct payment of such claims and fix the date upon which payment of such claims shall begin. Until the effective date of any such order of the board so directing the payment of any class and fixing such date, neither any member of the armed forces of the United States nor the next of kin of any member shall have or acquire any right, vested or accrued, to the bonus provided for under this Act nor any such right in or against the Commonwealth of Kentucky, the board, or the funds appropriated to the War Bonus Fund.

(3) A bonus in the amounts specified in preceding subsection of this Section shall be paid to the next of kin of each member of the armed forces of the United States, who, eligible under this Act, and, having been a resident of this state for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died prior to receiving payment of such bonus, regardless of whether an application was filed by such member prior to his or her death, filing for payment of such bonus as provided for in this Act: Provided, that no next of kin, who by his own hand, feloniously causes the death of such member of the armed forces, shall be entitled to receive the bonus provided for in this subsection.

(4) A bonus of five hundred dollars, regardless of the length of service of such member, shall be paid to the next of kin of each member of the armed forces of the United States who, having been a resident of this state for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died while on active duty at any time during the period from December 7, 1941 to and including September 2, 1945, and such death was service connected; provided no such payment is authorized or shall be made to the next of kin of such a member if such death was due to his or her own misconduct.

(5) Any veteran whose disability is determined to be at

least ten percent but less than one hundred percent, as established by the United States Veterans Aministration, shall receive in addition to the other bonus monies for which he is eligible under this Act, the sum of one hundred dollars. Any veteran eligible hereinunder, who is one hundred percent disabled, as established by the United States Veterans Administration shall be entitled to the maximum payment of five hundred dollars, however, if a veteran who is one hundred percent disabled, as established by the United States Veterans Administration, has earned between five hundred dollars and the maximum, irrespective of his disability, he shall also be entitled to the additional one hundred dollars.

Any veteran who is totally disabled, and when such disablement is not a result of service as established by the United States Veterans Administration, shall be included in said 2nd class for priority payment only of any such bonus to which such veteran is entitled to under this Act.

Section 3. There is hereby created in the state treasury a fund to be known as the "War Bonus Fund." Funds appropriated thereto by this Act shall be paid into the War Bonus Fund and shall be paid out upon warrant of the Commissioner of Finance by order of the Board as a bonus to members of the armed forces of the United States or their next of kin who are qualified to receive a bonus under this Act, in accordance with the procedure herein set out. The forms to be provided for the making of the applications shall be in the nature of an affidavit and must be duly sworn to by the applicant and attested to before a notary public or other person authorized to administer oaths. These applications shall be made in triplicate in order that one may be retained by the applicant, one by the board as a part of its permanent records, and one to accompany the order to pay to the state auditor and to be permanently retained by said office. These, and all other forms used in processing of claims and paying of bonuses under this Act shall be prepared by the Kentucky Disabled Ex-Service Men's Board and shall contain all the information necessary for the safeguard of the Commonwealth of Kentucky, and in keeping with the true intent and provisions of this Act, and

shall be submitted to and approved by the Division of Accounts and Control and the Auditor of Public Accounts before said forms are printed and placed in use.

After an application is filed with the board as provided herein and after it has been duly checked, audited and processed by said board and the amount to be paid determined in accordance with the provisions of this Act, an order to pay, directed to the state auditor and carrying the name of the person to receive the money, the amount of money to be paid, the date of issue, and such other information as the State Auditor and Division of Accounts and Control shall find to be necessary, shall be duly signed by the chairman of the Kentucky Disabled Ex-Service Men's Board, and shall be delivered to the applicant. The duplicate copy of such order to pay shall be retained in the department and the third copy shall be forwarded to the auditor's office in order that such office will have it to check against when the original orders to pay are ultimately presented.

Section 4. Not later than January 2, 1956 the chairman of the Kentucky Disabled Ex-Service Men's Board shall certify to the Governor of Kentucky, and to the Department of Finance, the total amount of all claims filed, in order that all monies received and allocated into the War Bonus Fund up to that time, under the methods herein later provided, may be determined by said Department of Finance, and the deficiency or surplus in comparison with the amount determined as necessary to pay all bonuses in full reported to the 1956 regular session of the Kentucky General Assembly, who in case of a deficiency may appropriate the necessary amount, and who in case of a surplus, may designate the application of the surplus. No application for a bonus under this Act shall be filed except upon the official forms provided for herein, nor until four months after this Act takes effect, the Governor may extend the date for the beginning of filing claims until January 1, 1956, if in his discretion proper administration requires such extension. All applications for a bonus under this Act shall be made to the Board on or before January 1, 1958, and no payments shall be made except upon applications received by the board on or before that date.

Section 5. The Board shall adopt general rules for determining whether an applicant was a resident of this state at the time he entered the service and, by rule, shall prescribe the persons who may execute applications in cases of disability or death and the nature of the proof to be submitted to establish all facts required under any applications filed.

The board shall allow or reject, either in whole or in part, all claims filed under this Act. Written notice of any rejection of a claim, either in whole or in part, shall be served on the claimant either personally or by registered mail addressed to the last known address of claimant and deposited in the United States mails. Any claimant whose claim is so rejected may apply for a review of the determination by the board at any time within four months after the service of the notice of rejection and if such application is timely made the determination shall be reviewed by a reviewing officer appointed by the board or by the board itself.

Section 6. All bonus payments under this Act shall be exempt from taxation and from levy and sale or execution. Any pledge, mortgage, sale assignment or transfer heretofore or hereafter made of any right, claim, or interest in any such bonus shall be void.

Section 7. (1) The Kentucky Disabled Ex-Service Men's Board shall assist persons entitled to a bonus hereunder in the preparation of their applications and claims therefor and all agencies of the Commonwealth shall cooperate with the board to effectuate the purposes and comply with the provisions of this Act.

(2) No agent, attorney or other person shall demand, be entitled to or receive any compensation for his service in prosecuting any claim for any bonus under this Act.

Section 8. In case any compensation is payable under this Act to a minor or mental incompetent, the compensation shall be paid to the person who is legally constituted his guardian; Provided, however, if there is no such guardian, payment shall be made to the chief administrative officer of any state or federal hospital or institution in which such minor or

incompetent is placed where such officer is authorized to accept monies for the benefit of the minor or incompetent.

Section 9. Whoever makes any false or fraudulent statement of a material fact in any application, certificate or document made under the provision of this Act or of any regulation made by the board shall be guilty of a felony and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned for any determinate term of not more than two years, or both, at the discretion of the court.

Section 10. Any person who charges or collects or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits to which he is entitled under the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred dollars or imprisoned for a term of not more than six months, or both, at the discretion of the court.

Section 11. The costs of the administration of this Act is hereby appropriated out of the War Bonus Fund, subject to the approval of the Department of Finance.

Section 12. (1) For the purpose of providing revenue with which to carry out the provisions of this Act there is hereby levied on each retail sale of alcoholic beverages a ten percent tax on the sale price.

(2) The tax hereby imposed shall apply and be collected when the sale is made, regardless of the time when the price is paid or delivered.

(3) The tax imposed by this Section shall be paid by the consumer to the vendor in every instance, and it shall be the duty of each vendor to collect from the consumer the full and exact amount of the tax payable in respect to each taxable sale, and to evidence the payment of the tax in each case by cancelling prepaid tax receipts, equal in face value to the amount thereof.

(4) The administration, ascertainment, enforcement and collection of the tax provided for by this Act is hereby assigned

to the Department of Revenue and authority is hereby given to adopt such rules and regulations not inconsistent with the provisions of this Act, and to provide for the method of reporting and paying of the tax.

(5) The tax provided by this Act shall expire when the order to the board is made, received, and published, that the War Bonus Fund has been determined adequate.

(6) All funds collected hereunder are hereby appropriated into the War Bonus Fund, after the deduction of the allowable expense of collection.

By Mr. Morgan.

H. B. No. 353. AN ACT relating to detectives in counties containing a city of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(2) In counties containing a city of the second class the Commonwealth's attorney shall appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. He shall receive an annual salary of not less than $1,800, nor more than $4,500, to be paid out of the county levy in equal monthly installments.

By Mr. Morgan.

H. B. No. 354. AN ACT to prevent unfair cigarette sales in Kentucky.

Said bill is as follows, viz:

1. SHORT TITLE. This act shall be known and may be cited as the "Act To Prevent Unfair Cigarette Sales In Kentucky".

2. DEFINITIONS. When used in any part of this act, the following words, terms and phrases and any variations thereof required by the context, shall have the meaning ascribed to them

in this section except where the context clearly indicates a different meaning:

a. "Person" shall mean and include any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, the Commonwealth of Kentucky and any municipal corporation or other political subdivision of this State, trust, receiver, trustee, fiduciary, conservator.

b. "Commissioner" shall mean the Commissioner of Revenues of the Commonwealth of Kentucky.

c. "Department" shall mean the Department of Revenue.

d. "Cigarettes" shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco.

e. "Wholesaler" shall mean any person, wherever resident or located, who sells cigarettes at wholesale or distributes cigarettes to be sold at retail, and it includes any manufacturer, distributor, jobber, broker, agent or other person, whether or not enumerated in this subsection, who so sells or so distributes cigarettes.

f. "Retailer" shall mean and include any person who sells cigarettes in this State to a consumer or to any person for any purpose other than resale.

g. "Sale" or "sell" shall mean any transfer for a consideration, exchange, barter, gift, offer for sale, advertising for sale, soliciting an order for cigarettes and distribution in any manner or by any means whatsoever.

h. "Sell at wholesale", "sale at wholesale" and "wholesale sales" shall mean and include any sale made in the ordinary course of trade or usual conduct of the wholesaler's business to a retailer for the purpose of resale.

i. "Sell at retail", "sale at retail", or "retail sales" shall

mean and include any sale for consumption or use made in the ordinary course of trade or usual conduct of the seller's business.

j. "Basic cost of cigarettes" shall mean whichever of the two following amounts is lower, namely, (1) the invoice cost of cigarettes to the wholesaler or retailer, as the case may be, or (2) the lowest replacement cost of cigarettes to the wholesaler or retailer, as the case may be, within thirty days prior to the date of sale, in the quantity last purchased (whether within or before the said thirty-day period), less, in either of said two cases, all trade discounts except customary discounts for cash, plus the full face value or any stamps or any tax which may be required by any cigarette tax act of this State or political subdivision thereof, now in effect or hereafter enacted, if not already included in the invoice cost of the cigarettes to the wholesaler or retailer, as the case may be.

k. (1) "Cost to wholesaler" shall mean the basic cost of the cigarettes involved to the wholesaler plus the cost of doing business by the wholesaler, as evidenced by the standards and methods of accounting regularly employed by him, and must include, without limitation, labor costs (including salaries of executives and officers) rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(2) In the absence of proof of a lesser or higher cost of doing business by the wholesaler making the sale, the cost of doing business by the wholesaler shall be presumed to be two per centum (2%) of the basic cost of the said cigarettes to the wholesale dealer, plus cartage to the retail outlet, if performed or paid for by the wholesale dealer, which cartage cost, in the absence of proof of a lesser or higher cost, shall be presumed to be three-fourths of one per centum (¾ of 1%) of the basic cost of the said cigarettes to the wholesaler.

l. (1) "Cost to the retailer" shall mean the basic cost of the cigarettes involved to the retailer plus the cost of doing business by the retailer as evidenced by the standards and methods of accounting regularly employed by him and must include, without limitation, labor (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equip-

ment, delivery costs, all types of licenses, taxes, insurance and advertising.

(2) In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of doing business by the said retailer shall be presumed to be eight per centum (8%) of the basic cost of cigarettes to the said retailer.

(3) In the case of any retailer who in connection with the said retailers purchase of any cigarettes shall receive not only the discounts ordinarily allowed upon purchases by a retailer, but also in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, the cost of doing business by the said retailer with respect to the said cigarettes shall be, in the absence of proof of a lesser or higher cost of doing business by the said retailer, the sum of the cost of doing business by the retailer and, to the extent that he shall have received the full discounts ordinarily allowed to a wholesaler, the cost of doing business by a wholesaler as hereinabove defined in sub-division K (2).

3. SALES AT LESS THAN COST; PENALTY.

a. It shall be unlawful for any wholesaler or retailer, with intent to injure competitors or destroy or substantially lessen competition, to advertise, offer to sell, or sell, at wholesale or retail, cigarettes at less than cost to such wholesaler or retailer, as the case may be, as defined in this Act. It shall be unlawful for any wholesaler or retailer with intent to injure competitors or destroy or substantially lessen competition to offer a rebate in price, to give a rebate in price, to offer a concession of any kind or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes. It shall be unlawful for any retail dealer to induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than "cost to wholesaler" and it shall be unlawful for any retail dealer to induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind of nature whatsoever in connection with the purchase of cigarettes. Any wholesaler or retailer who violates the provisions of this section shall be guilty of a misdemeanor and be

punishable by fine of not more than five hundred dollars ($500.00).

b. Evidence of advertisement, offering to sell, or sale of cigarettes by any wholesaler or retailer at less than cost to him, or evidence of any offer of a rebate in price or the giving of a rebate in price or an offer of a concession or the giving of a concession of any kind or nature whatsoever in connection with the sale of cigarettes or the inducing or attempt to induce or the procuring or the attempt to procure the purchase of cigarettes at a price less than cost to the wholesaler or the retailer, as defined in this Act, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

4. COMBINATION SALES. In all advertisements, offers for sale or sales involving two or more items, at least one of which items is cigarettes, at a combined price, and in all advertisements, offers for sale, or sales, involving the giving of any gift or concession of any kind whatsoever (whether it be coupons or otherwise), the wholesaler's or retailer's combined selling price shall not be below the cost to the wholesaler or the cost to the retailer, respectively, of the total of all articles, products, commodities, gifts and concessions included in such transactions, except that if any such articles, products, commodities, gifts or concessions, shall not be cigarettes, the basic cost thereof shall be determined in like manner as provided in subdivision "j" of Section 2.

5. SALES BY A WHOLESALER TO A WHOLESALER. When one wholesaler sells cigarettes to any other wholesaler, the former shall not be required to include in his selling price to the latter, "cost to the wholesaler", as provided by Section 2 of this act, but the latter wholesaler, upon resale to a retailer, shall be subject to the provisions of said section.

6. SALES EXCEPTIONS. The provisions of this act shall not apply to a sale at wholesale or a sale at retail made (a) in an isolated transaction and not in the usual course of business; (b) where cigarettes are advertised, offered for sale, or sold in a bona fide clearance sale for the purpose of discontinuing trade in such cigarettes and said advertising, offer to sell, or

sale shall state the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold; (c) where cigarettes are advertised; offered for sale, or sold as imperfect or damaged, and said advertising, offer to sell, or sale shall state the reason therefor and the quantity of such cigarettes advertised, offered for sale, or to be sold; (d) where cigarettes are sold upon the final liquidation of a business; or (e) where cigarettes are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court.

7. TRANSACTIONS PERMITTED TO MEET LAWFUL COMPETITION.

a. Any wholesaler may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the price of a competitor who is rendering the same type of service and is selling the same article at cost to the said competing wholesaler as defined by this Act. Any retailer may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the price of a competitor who is selling the same article at cost to the said competing retailer as defined in this Act. The price of cigarettes advertised, offered for sale, or sold under the exceptions specified in section 6 shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankrupt sale be considered the price of a competitor within the purview of this section.

b. In the absence of proof of the actual cost to the said competing wholesaler or to the said competing retailer, as the case may be, such cost may be presumed to be the lowest cost to wholesaler or the lowest cost to retailer, as the case may be, within the same trading area as determined by a cost survey made pursuant to section 9-b.

8. SALES CONTRACTS VOID. Any contract, expressed or implied, made by any person in violation of any of the provisions of this act, is illegal and void and no recovery shall be had thereon.

9. ADMISSIBLE EVIDENCE.

a. In determining cost to the wholesaler and cost to the

retailer the court shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under any of the provisions of this act purchased the cigarettes involved in the complaint before the court, at a fictitious price, or upon the terms, or in such a manner, or under such invoices, as to conceal the true cost, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature in the trade area or State.

b. Cost Survey. Where a cost survey pursuant to recognized statistical and cost accounting practices has been made for the trading area in which a violation of this act is committed or charged, to determine and establish on the basis of actual existing conditions the lowest cost to wholesalers or the lowest cost to retailers within the said area, the said cost survey shall be deemed competent evidence in any action or proceeding under this act as tending to prove actual cost to the wholesaler or actual cost to the retailer complained against, but any party against whom any such cost survey may be introduced in evidence shall have the right to offer evidence tending to prove any inaccuracy of such cost survey or any state of facts which would impair its probative value.

10. SALES OUTSIDE ORDINARY CHANNELS OF BUSINESS; EFFECT. In establishing the basic cost of cigarettes to a wholesaler or a retailer it shall not be permissible to use the invoice cost or the actual cost of any cigarettes purchases at a forced, bankrupt, or closeout sale, or other sale outside of the ordinary channels of trade.

11. REMEDIES.

a. The State Department of Revenue, or any person injured by any violation, or who would suffer injury from any threatened violation of this act, may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin such violation or threatened violation. If in such action a violation or threatened violation of this act shall be established the court shall enjoin and restrain, or otherwise prohibit, such violations or threatened violation, and in addition thereto,

the court shall assess in favor of the plaintiff and against the defendant the cost of suit including reasonable attorney's fees. In such action it shall not be necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff in said action, in addition to such injunctive relief and costs of suit, including reasonable attorney's fees, shall be entitled to recover from the defendant the actual damages sustained by him.

b. In the event that no injunctive relief is sought or required, any person injured by a violation of this act may maintain an action for damages and costs of suit in any court of general jurisdiction.

12. STATE DEPARTMENT OF REVENUE; POWERS AND DUTIES. The State Department of Revenue shall prescribe, adopt, and enforce rules and regulations for the enforcement of this act and it is empowered to and may from time to time undertake and make or cause to be made one or more cost surveys for the state or such trading area or areas as it shall define and when each such cost survey shall have been made by or approved by the said department it shall be permissible to use such cost survey as provided in section 7-b and 9-b of this act.

The department may, upon notice and after hearing, revoke or suspend any license issued under provisions of KRS 137.040 — 137.050 — 137.070 and the rules and regulations of the said department promulgated thereunder, for failure of any person to comply with any provisions of this act or any rule or regulation adopted thereunder.

All of the powers vested in the Commissioner and Department of Revenue by the provisions of the Cigarette Tax Law shall be available for the enforcement of this Act To Prevent Unfair Cigarette Sales In Kentucky.

Any person aggrieved by any decision, order or finding of said department, suspending or revoking any such license, may appeal therefrom to the Kentucky Tax Commission by filing a petition of appeal with said commission in the manner and form and within the time and subject to such terms and conditions as said commission shall by rules prescribe.

The judgment or order of said commission may be reviewed by a court of competent jurisdiction in the Commonwealth.

13. LICENSE. After the effective date of this act, no person shall engage in or conduct the business of purchasing for resale or selling cigarettes without having first obtained the appropriate license for that purpose.

Any person licensed only as a wholesaler shall not operate as a retailer unless the appropriate license therefor is first secured, and any person licensed only a retailer shall not operate as a wholesaler unless the appropriate license therefor is first secured.

14. PARTIAL UNCONSTITUTIONALITY. The provisions of this act shall be deemed to be severable and if for any reason any provision shall be determined to be unconstitutional or invalid, such determination shall not be held to affect any other provision hereof.

By Mr. Blue and Mr. Harralson.

H. B. No. 355. AN ACT relating to officers and employees of the State; amending Section 61.110 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.110 of the Kentucky Revised Statutes is amended to read as follows:

State officers and employees who are required, in the discharge of their duties, to remain at the state capital or near a state agency or institution located outside of the state capital, for more than three months in each year, may with their families, temporarily reside at the state capital or near a state agency or institution wherever located, for any length of time for which they were elected, appointed or employed, without changing or losing their legal and permanent residence in the district and precinct in which they resided at the time of their temporary removal. In all cases it shall be necessary for the state officer or employee to file and cause to be recorded in the clerk's office of the county court of the county

of his residence and the clerk's office of the county court of the county in which he intends to temporarily reside, a statement of his intention to be temporarily absent from his legal and permanent residence, because of his duties.

By Mr. Blue and Mr. Harralson.

H. B. No. 356. AN ACT to regulate masseurs and masseuses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

DEFINITIONS:

Section 1. As used in this Chapter, unless the context requires otherwise:

(1) "Board means the Kentucky State Board of Masseurs and Masseuses.

(2) "Massage" means the treatment of superficial soft parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, or tapping with the hand or an instrument.

Section 2. QUALIFICATIONS FOR EXAMINATION:

Any person of good moral character, with a preliminary education or experience equivalent to an eighth grade education shall be eligible to take the examination for a license.

Section 3. EXAMINATION: ISSUANCE OF LICENSE:

Any person of good moral character, with a preliminary of the board make written application to the secretary, accompanied by an examination fee of $15.00. The application shall state the name, age, sex and residence of the applicant and the name and address of the school from which he graduated. If an applicant fails in the first examination, he shall be entitled to a second one without further fee. The board shall prepare reasonable questions and fairly grade the answers thereto. All questions shall be prepared and answers graded solely for the purpose of determining whether the applicant is reasonably

qualified to practice massage. Every applicant who is reasonably qualified shall be granted a license.

Section 4. RENEWALS; FEES:

Any licensee who desires to continue to practice shall pay to the Board a renewal fee of $10.00 by January 1 of each year.

Section 5. OFFICIAL EXAMINERS:

The Kentucky State Board of Masseurs and Masseuses shall consist of three masseurs appointed by the Governor. Each member shall serve three years and until his successor is appointed and qualified. Vacancies shall be filled by the Governor within thirty days. Original appointees shall not be required to be licensed as masseurs. Each member thereafter shall be a licensed masseur.

Section 6. DUTIES OF THE BOARD:

The Board shall elect a president, secretary and treasurer. It shall adopt reasonable rules for the transaction of business and enforcement of this chapter.

Section 7. COMPENSATION:

Each member of the Board shall receive necessary traveling expenses and a per diem of ten dollars for the time he actually spends in the discharge of his official duties.

Section 8. MEETINGS: EXAMINATIONS:

The Board shall hold regular meetings to examine applicants and for the transaction of business, in January and July of each year. The Division of Purchases and Public Properties shall at the request of the Board provide an office at the Capital where meetings may be called. The Board may adopt a seal which shall be affixed to every license.

Section 9. LICENSE REQUIRED:

No person shall practice massage or hold himself out as a masseur or masseuse unless he has a license provided in this chapter.

Section 10. FUND FOR ADMINISTRATION:

All fees received by the Board shall be deposited at the end of each month with the State Treasurer of the Commonwealth of Kentucky who shall place the money to the credit of the Kentucky State Board of Masseurs and Masseuses. The fund shall be held subject to the order of the Board to be used only for the purpose of meeting necessary expenses incurred in the performace of this chapter.

Section 11. EXISTING PRACTITIONERS:

Masseurs or masseuses who are actively engaged in the practice of massage in this state at the time of the passage of this Act shall, upon furnishing proof thereof to the Board and upon paying a fee of $15.00, be entitled to a license without examination. Application for such licenses shall be filed with the Board not later than 90 days after the enactment of this Act.

By Mr. Jones.

H. B. No. 357. AN ACT relating to a tax on a judgment decreeing a divorce.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A tax of twenty-five dollars shall be paid by any party to whom a decree of divorce is granted.

Section 2. The tax imposed by Section 1 shall be due and payable at the time of and as a prerequisite to the entry of the judgment and shall be collected by the county clerk, reported by him to the Department of Finance, and paid by him into the State Treasury, for which services the clerk shall receive a commission of five percent of the amount collected, tc be retained by him from the sums so reported and paid.

By Mr. Jones.

H. B. No. 358. AN ACT concerning farmers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whereas, the industry of farming in this great

Commonwealth is recognized as the leading industry of the state and is of major importance to our economic and social standing, sufficient recognition should be given to the farmer for his contribution to our society.

Section 2. All farmers engaged in this occupation of farming for a period of ten years, shall be eligible to receive a pension.

Section 3. The eligibility of all applicants for such pension shall be determined by a state board governing pensions.

By Mr. Buchanan, Mr. Horn, Mr. Martin, Mr. McClanahan, and Mr. Maglinger.

H. B. No. 359. AN ACT relating to workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1: Kentucky Revised Statute 342.110 is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of diability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury. In no event shall compensation for an injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be sixty-five percent of the average weekly earnings of the employe but not less than seven dollars nor more than twenty-four dollars, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding four hundred and fifty weeks nor a maximum sum of nine thousand, five hundred dollars. Whenever the weekly payments under this section would be less than five dollars per week, the period may be shortened and the payments correspondingly increased to that amount. Where

compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section 2. Kentucky Revised Statute 342.115 is amended to read as follows:

(1) If an injured employe refuses employment reasonably suited to his capacity and physical condition procured for him, he shall not be entitled to compensation during the period of such refusal unless, in the opinion of the board, such refusal was justifiable.

(2) Where an injured employee is employed after injury whether by the same employer in whose employ he sustained the injury, or any other employer, and is paid by any such employer wages equal to, or more than, the wages he was receiving before the injury, the employer in whose employ he sustained the injury will be allowed to credit to time during which such wages are earned by the employee against the time for which compensation is payable to the employee.

By Mr. Harris.

H. B. No. 360. AN ACT imposing a tax upon the sale, use, consumption, handling or distribution of non-alcoholic beverages; imposing a tax upon the sale, use, consumption, handling or distribution of syrups used for the purpose of making or mixing non-alcoholic beverages; imposing a tax upon and requiring a permit for each place of business where non-alcoholic beverages or syrups are manufactured, distributed, sold used, consumed or handled; and appropriating the revenue therefrom.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise;

(1) "Dealer" shall include every person, firm, corporation or association of persons who manufacturers or who imports from any state or foreign country any bottled soft drinks or soft

drink syrup for distribution, sale, use or consumption in this state or who sells, offers for sale, or has in his possession for sale, use, consumption or distribution, any bottled soft drinks or soft drink syrup who cannot prove that the tax levied by this Act has been previously paid on the said bottled soft drinks or soft drink syrup, or that the payment of said tax has been guaranteed by bond which has been furnished and accepted;

(2) "Commissioner" means the Commissioner of Revenue or his duly authorized representatives;

(3) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each taxable article sold at retail before the tax levied by this Act has been paid;

(4) "Syrup" or "syrups" means the compound, mixture or basic ingredient used in the making, mixing or compounding of soft drinks by the mixing with same of carbonated or plain water, ice, fruit, milk or any other product suitable to make a soft drink, including simple syrup and all prepared syrups sold or usable for the purpose of mixing soft drinks;

(5) "Simple syrup" means any syrup made, mixed, compounded, or manufactured by dissolving sugar and water, or any other mixture, which will create what is commonly referred to as "simple syrup", practically and commercially usable in mixing non-bottled soft drinks or in bottling soft drinks;

(6) "Stamp" means the impression, device, stamp, label or print manufactured or printed as prescribed by the Commissioner of Revenue by use of which the tax levied hereunder is paid;

(7) "Crown" means the crown or crowns by the use of which the tax levied hereunder is paid if so authorized by the Commissioner of Revenue;

(8) "Bottled soft drinks" includes any and all beverages, whether carbonated or not, commonly referred to as soft drinks, which are closed or sealed in glass, metal, paper or any other type of bottle or container. Soft drinks are further defined to include any and all beverages commonly referred to as soft drinks which are manufactured without the use of any syrup, and any fruit or vegetable juice, with or without added sugar,

to which is added any artificial coloring or any artificial flavoring or to which is added any preservative or carbonic gas.

Section 2. There is hereby levied a tax upon the sale, use, consumption, handling or distribution of all bottled soft drinks and all soft drink syrups within this state, as follows:

(1) Seventy-five cents for each gallon or fraction of a gallon of syrups, payment of which shall be indicated by the affixing of Kentucky soft drink tax stamps or crowns to the original containers in which such syrups are received, stored, shipped or handled;

(2) One cent for each twelve ounces or fractional part thereof on all soft drinks offered for sale in closed or sealed bottles or containers, payment of which shall be indicated by the stamping of each bottle or container with Kentucky soft drink tax stamps or crowns.

Section 3. The commissioner shall prescribe the forms of soft drink tax stamps or crowns, and have stamps or crowns prepared for sale in such manner as he deems proper. The commissioner may prescribe rules and regulations governing the sale and distribution of stamps or crowns and may require manufacturers or distributors of crowns to furnish bond to insure faithful compliance with such regulations as the commissioner may prescribe governing the sale of crowns to manufacturers, bottlers or importers of bottled soft drinks or soft drink syrups.

Section 4. All manufacturers, wholesale or retail dealers, bottlers, distributors, jobbers, or importers shall affix to each individual bottle containing a soft drink, within twenty-four hours after manufacture or receipt in this state, the soft drink tax stamps or crowns indicating payment of the tax as prescribed by this Act, and shall affix to each individual container of soft drink syrup, within seventy-two hours after such syrup is received by them, or if a retailer dealer, within twenty-four hours after such syrup is received by them, the soft drink tax stamps or crowns indicating payment of the tax as prescribed by this Act. Such stamps or crowns shall be affixed and cancelled in a manner prescribed by the commissioner. When the stamp or crown has been affixed as herein required, no other

stamp or crown shall be required under the provisions of this Act, regardless of how often such bottled soft drinks or soft drink syrups are sold or resold within this state.

Section 5. (1) It is the intent and purpose of this Act to levy an excise tax on all bottled soft drinks and syrup, when sold, used, consumed, handled or distributed in this state and to collect same from the dealer who first distributes, sells, uses, consumes or handles the same in this state. When a dealer gives away bottled soft drinks or syrup for advertising or any other purpose whatsoever the same shall be taxed in the same manner as if it were sold, used, consumed, handled or distributed for profit.

(2) It is the intent and purpose of this Act to exempt from the tax levied herein:

(a) Unadulterated fruit juices in their original form;

(b) Milk drinks sold direct to school children on school premises, or sold through a school organization to school children on school premises;

(c) All bottled milk drinks which contain more than fifty percent by volume of fluid milk.

Section 6. (1) Every person in this state who sells or is about to engage in the business of a dealer in any of the articles taxed hereunder upon which the tax has not been paid and stamps or crowns affixed shall first apply to and obtain from the commissioner a permit and shall obtain a separate permit for each place of business of such dealer, such permit to be conditioned upon compliance with the terms of this Act and the rules and regulations issued thereunder, and shall pay to the commissioner a fee of five dollars for each permit. "Place of business", as used in this section, includes the place where articles taxed under this Act are sold or offered for sale, or, if sold or offered for sale upon a railroad train or on or from any other vehicle, the vehicle on which or from which such taxable articles are sold shall constitute a place of business.

(2) The commissioner, after notice and opportunity to be heard, under regulation to be made by him, may revoke the permits of any dealer for violation of this Act or rules and

regulations made under this Act. No new permit shall be issued to any one whose permit has been revoked, except in the discretion of the commissioner.

Section 7. (1) Each dealer in soft drink syrup and bottled soft drinks in this state shall furnish to the commissioner, who is charged with the duty of collecting the tax levied by this Act, a bond in the minimum amount of one thousand dollars, guaranteeing the payment of all taxes and penalties levied by this Act, said bond to be executed by a surety company duly qualified to do business in this state. The tenor, solvency and maximum amount of said bond shall be satisfactory to the commissioner, the maximum amount of said bond to depend upon the volume of business of the dealer and must be in an amount sufficient in the discretion of the commissioner to guarantee payment to the state of all taxes and penalties levied by this Act.

(2) Each bond submitted to the commissioner must be accompanied by a power of attorney or attorney-in-fact of the agent executing the bond for the surety company, together with a certificate which evidences the fact that the power of attorney or attorney-in-fact was in force and effect on the date the bond was executed.

Section 8. Every person liable to pay any tax imposed by this Act shall preserve such records and submit periodic reports covering such periods as the commissioner may require. No such person shall refuse to permit the commissioner or his authorized representatives to examine any records pertaining to the business made taxable by this Act. No person shall do anything to evade full disclosure of the facts or to avoid the payment in whole or in part of any tax due under this Act. An allowance of one percent discount upon the face value of all stamps and crowns purchased and affixed by any person in payment of the tax provided under this Act shall be allowed when the commissioner is satisfied that stamps and crowns purchased were actually used and the required records kept and reports made.

Section 9. The commissioner may promulgate rules and regulations to provide for the collection of the tax due on all bottled soft drinks and syrup taxable under this Act in posses-

sion of dealers, on the effective date of this Act, so as to prevent any bottled soft drinks and syrup being sold within this state without the tax herein provided for being paid.

Section 10. Seventy-five percent of all moneys paid to the state under the provisions of this Act shall be deposited to the credit of the School Fund to be used exclusively for the purpose of establishing and supporting a foundation program for elementary and secondary public schools. Twenty-five percent of all moneys paid to the state under the provisions of this Act shall be paid to the Teachers Retirement System of the State of Kentucky.

Section 11. (1) Any person required by this Act to affix stamps or crowns on soft drink syrups or bottled soft drinks as provided herein, who fails to properly affix the stamps or crowns within the time prescribed by law, shall be required to pay, in addition to the tax imposed hereunder, a penalty of twenty percent of the tax, and interest at six percent per annum from the date when due. If any taxpayer subject to the penalty provided in this section submits in writing to the department his reasons for failure to comply with this Act, and if the commissioner finds the reasons evidence of justifiable cause for modifying the penalty, he, at his discretion, may modify the penalty to five percent of the amount of tax due and delinquent, or ten dollars, which ever is greater. The presence of any soft drink syrups or bottled soft drinks in the place of business of any person required by this Act to affix soft drink tax stamps or crowns, shall be prima facie evidence that such articles are intended for sale.

(2) Any person who shall reuse or alter, any soft drink tax stamps or crowns, or use, prepare, buy, sell, offer for sale or knowingly have for sale in his possession any soft drink syrups or bottled soft drinks upon which are affixed counterfeit soft drink tax stamps or crowns, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than one nor more than five years, or both.

(3) Any person who violates any reasonable rule or regulation promulgated by the commissioner under this Act, shall

be fined not less than twenty-five dollars nor more than five hundred dollars.

Section 12. There is hereby appropriated to the Department of Revenue from the General Expenditure Fund for the fiscal years 1954-55 and 1955-56 the sum of $40,000 for the use of the commissioner in administering the provisons of this Act.

Section 13. This Act shall not apply to syrups used by bottlers in the manufacture of bottled soft drinks. The Commissioner may promulgate rules and regulations to permit syrup which is to be used for purposes other than making soft drinks to be stored in places where soft drinks are sold at retail.

Section 14. This Act shall become effective July 1, 1954.

By Mr. Horn.

H. B. No. 361. AN ACT creating a retirement system for state employes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context otherwise requires:

(1) "System" means the Kentucky Department Retirement System created by this Act:

(2) "Board" means the Board of Trustees of the system:

(3) "Department" means the Department of Highways and any other state department, board or agency electing to participate in the system:

(4) "Examiner" means the medical examiner or examiners as provided by section 32 of this Act:

(5) "Employe" means every person regularly employed in rendering service to and for a department and whose compensation is payable in whole or in part by such department, and shall include all full time regular employes of the board. In case of any doubt the board shall determine if a person is an employe within the meaning of this Act:

(6) "Employer" means a department or any authority of such department having the power to apoint an employe to office or employment in such department;

(7) "State" means the Commonwealth of Kentucky;

(8) "Member" means any employe who is included in the membership of the system;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means employment as an employe, on and after the date the employe's department first elects to participate in the system for which compensation is paid in whole or in part by the employer, during which employment the employe is a member of the system, except as otherwise provided in section 23 of this Act;

(11) "Prior Service" means employment as en employe, prior to the date the employe's department first elects to participate in the system, for which compensation was paid in whole or in part by the employer; provided, however, that no credit will be given for service prior to the date on which the employe's membership would have ceased, in accordance with the provisions of section 5, if the system had been in existence when the employe was first employed;

(12) "Beneficiary" means any person entitled to receive benefits under this Act;

(13) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(14) "Creditable compensation" means the full compensation payable to an employe working the full working time for his position. In cases where compensation includes maintenance and other prerequisites, the board shall fix the value of that part of the compensation not paid in money;

(15) "Final compensation" means the arithmetic average

of the annual creditable compensation of a member during the five consecutive years of service immediately prior to the member's retirement except that in determining final compensation for delayed retirement, such average shall not be less than that determined on the assumption that the member retired on his normal retirement date;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board;

(18) "Normal retirement date" means the sixty-fifth birthday of a member or the date on which the member completes ten years of service with that department with respect to which he is a member of the system, whichever occurs later, except that in no case will a member's normal retirement date be later than his seventy-fifth birthday. The normal retirement date for any member who has passed his seventy-fifth birthday on the date he becomes a member shall be the date he becomes a member, except as otherwise provided in section 17 of this Act;

(19) "Fiscal year" of the system means the twelve months from July 1. through the following June 30.

Section 2. There is hereby created and established:

(1) A retirement system for employes to be known as the "Kentucky Department Retirement System," by and in which name it shall, pursuant to the provisions of this Act, transact all of its business and shall have the powers and privileges of a corporation; and

(2) A state fund, called the "Kentucky Department Retirement Fund," which shall consist of all of the assets of the system as set forth in sections 13 to 16.

Section 3. (1) The Kentucky Department of Highways shall participate in the system as of July 1, 1954.

(2) Any other department may elect to participate in the system provided it agrees to make the contributions required of

it by this Act from the funds of the department, and provided the Governor by appropriate executive order, the authority to issue such executive order being hereby granted, permits such department to participate in the system. The effective date of such participation shall be the July 1 coinciding with or next following the signing of such executive order.

(3) Once a department participates it must continue to participate except that if at the end of any fiscal year a department is in default for two years in the payment of its normal contribution as set forth in section 12, such department's participation shall automatically terminate and such department's share in the assets of the fund, as determined by sections 13 to 16, shall be treated as if the system had been repealed with respect to such department and such assets shall be allocated as set forth in section 38.

Section 4. Membership in the system shall consist of the following:

(1) All persons who become employes of a participating department after the date such department first participates in the system; and

(2) All persons who are employes of a department on the date the department first participates in the system, either in service or on authorized leave from service, and who elect prior to the October 1 next following such department's participation, or in the case of persons on authorized leave, within 90 days of their return to active service, to become members and thereby agree to make contributions as provided by this Act.

Section 5. Any person, who is an employe on the date his department first participates in the system, either in service or on leave from service, who does not elect within the time set forth in section 4 to become a member and thereby make contributions required of him by this Act, shall forfeit all right for credit for service with any department prior to the date he might subsequently elect to become a member, with respect to any department participating in the system, notwithstanding anything contained in this Act to the contrary. Prior to the last day of the period during which he may elect to become a member, each

such person shall be notified of the penalty resulting from his failure to elect to become a member.

Section 6. The membership of any person in the system shall cease:

(1) Upon termination of employment for any reason, other than by such department without cause after ten years of service with such department but before the completion of twenty years of service with such department, unless at such termination of employment the member has had with such department at least twenty years of service and does not withdraw his accumulated contributions from the system.

(2) Upon termination of employment with his department by such department without cause, unless at such termination of employment the member has had at least ten years of service with such department but not as much as twenty years of service with such department and does not withdraw his accumulated contributions from the system and is re-employed by such department within six years of said termination of employment.

(3) Upon withdrawal of his accumulated contributions at or after termination of employment.

(4) Upon service retirement.

(5) Upon death.

Section 7. Under such rules and regulations as are adopted by the board, each employe of an employer upon becoming a member, or some one on his behalf, shall file with the board, in such form as the board may prescribe, a statement of the facts pertaining to his status as a member, which shall include a detailed description of all service rendered prior to the date of the most recent termination of membership, as the result of termination of employment with such employer, and such other information as the board may require. Until such statement is filed, no member or his beneficiary shall be eligible to receive any benefits under this Act. As soon as practicable after said statement is filed, the board shall ascertain the amount of service prior to his becoming a member, if any, to which a member is entitled and shall issue to such mem-

ber a certificate certifying the length of such service rendered by him which certificate shall, however, become void upon termination of membership for any reason except for death or retirement.

Section 8. The board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in no case shall it allow credit for more than one year of service for all service rendered in any period of twelve consecutive months.

Section 9. When membership ceases, except in the case of retirement, an employe shall thereafter lose all right to any retirement allowance or benefits under this Act arising from service prior to the date of such cessation of membership with that department which was his last employer prior to cessation of membership.

Section 10. (1) Any member entering the armed forces of the United States after the date his department first participates in the system, being on leave of absence from service and not withdrawing his accumulated contributions, shall be entitled to have credited as service with that department which was his employer upon entry in the armed forces his period of service in the armed forces of the United States provided his discharge therefrom is honorable and he is re-employed by such employer within one year after discharge, or upon the subsequent termination of any total disability which existed at the expiration of said year after discharge.

(2) Any member of the system who, prior to the date his department first participates in the system, terminated his employment in order to enter the armed forces of the United States and who was or is re-employed by that department which was his employer upon entry in the armed forces within one year after his honorable discharge therefrom, or upon the subsequent termination of any total disability which existed at the expiration of said year after discharge, shall be entitled to have credited as service with such employer his period of service in the armed forces.

Section 11. (1) (a) Each member shall, commencing on the date he becomes a member, contribute for each pay period

for which he receives compensation 2½% of his creditable compensation if his rate of annual compensation does not exceed $3,600. If such member's rate of annual compensation exceeds $3,600 he shall contribute 2½% of that portion of his creditable compensation not in excess of the equivalent applicable rate for such pay period to annual compensation of $3,600 and 4% of that portion of his creditable compensation which is in excess of such rate applicable to annual compensation of $3,600.

(b) Each employe of a department on the date the department first participates in the system who elects to become a member subsequent to such date, but prior to the next succeeding October 1, shall make contributions which he would have made if he had elected to become a member as of the date such department first participates.

(2) The Commissioner of Finance shall cause to be deducted from the salary or compensation of each member for each and every payroll period subsequent to the date of the establishment of the system, the contribution payable by such member as provided in this Act, but in no case shall any deduction be made from the compensation of a member after his normal retirement date if such member elects not to contribute.

(3) In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and, to facilitate the making of deductions, may allow the omission of deductions from any fractional amount less than one dollar from any member in any period and may allow the omission of deductions from compensation for any period less than a full payroll period if any employe was not a member on the first day of the payroll period.

(4) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation less such deductions shall be a full and complete discharge of all claims for services rendered by such person during the period

covered by such payment, except as to any benefits provided by this Act.

(5) Notwithstanding any other provisions of this section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default

Section 12. (1) Each employer shall contribute annually an amount equal to a certain percentage of the creditable compensation of its members, to be known as the "normal contribution", and an additional amount equal to a certain percentage of such creditable compensation to be known as the "prior service liability contribution."

(2) Until the prior service liability contribution is no longer required, the normal contribution shall be determined as such annual amount payable during the members' periods of service while under the system required to provide the retirement allowances due to such service not provided by the members' contributions. After the prior service liability contribution is no longer required, the normal contribution shall be determined as such annual amount payable during the members' periods of service under the system required to provide the difference between the total liabilities for retirement allowances, not provided by members' contributions and the amount of the assets in the retirement allowance account applicable to the employer.

(3) The prior service liability contribution of each employer shall be such annual amount required to provide for the liquidation, within forty years of the date the department first participates in the system, of the liability for retirement allowances due to prior service with the employer. The unfunded prior service liability with respect to any employer at any particular time shall be the excess, if any, of the then present value of the retirement allowances due to prior service over the total accumulated prior service liability contributions previously made with interest on such contributions at the rates of interest earned each year on the assets of the system.

(4) Normal contributions and the prior service liability contributions shall be determined separately for each employer on actuarial bases adopted by the board. Such contributions

shall be determined by the board after each valuation and shall continue in force until a new valuation is made.

(5) The board shall furnish to each department prior to the beginning of each fiscal year its best estimate of the normal contributions, the prior service liability contributions and the expenses of administering the system as provided in sections 28 to 33 necessary to meet the provisions of this Act during the fiscal year next following. The estimated amount so furnished shall be included in the budget for the department and the department shall make available to the board sufficient funds to provide actual amounts necessary for contributions and expenses.

(6) The aggregate employer contributions payable into the retirement allowance account by each employer shall be at least sufficient, when combined with the amount then held in the account, to provide the benefits payable from such account during the current year.

Section 13. All of the assets of the system shall be held and invested in the Kentucky Department Retirement Fund but shall, for purposes of administration only, be credited to each department for which they are being held and further credited, according to the purpose for which they are held, to one of two accounts, namely, the members' contribution account, and the retirement allowance account.

Section 14. (1) The members' contribution account shall be the account to which all members' contributions and interest allowances as provided in this Act shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

(2) The Commissioner of Finance shall, at the end of each payroll period, transfer to the members' contribution account an amount equal to the aggregate amount of the deductions made for the preceding payroll period from the salaries of all members. The Commissioner of Finance shall forward a record of all such transfers to the board.

(3) Each members' contribution provided for in section 11

shall be credited to the individual account of the contributing member.

(4) Each individual account of the members' contribution account shall be credited annually with interest at that rate determined by the board but not less than two per centum per annum on the accumulated contributions of the member; provided, however, that interest shall accrue on any such contribution beginning at the end of the fiscal year in which each such contribution was made. Such amounts so credited shall be transferred from the retirement allowance account of each employer.

(5) Upon the retirement of a member, his accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account of the employer.

Section 15. The retirement allowance account shall, with respect to each department, be the account in which shall be accumulated all employer contributions, amounts transferred from the members' contribution account, and to which all income from the invested assets of the system shall be credited; provided that income from the invested assets of the system shall be allocated to the departments in proportion to the arithmetic mean of the amount held for each department as of the beginning and end of the fiscal year, including cash. From this account shall be paid retirement allowances and any other benefits payable after a member's retirement and from this account shall be transferred to the member's contribution account the interest credited annually to each member's individual account as provided by section 14.

Section 16. For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept available cash, not exceeding 7½% of the total amount in the accounts of the system, on deposit in one or more banks or trust companies that are designated by the State Treasurer as depositories for funds of the state. For purposes of administration it shall be assumed that cash allocable to each department as of the end of each fiscal year is in direct proportion to the total assets allocable to each department as of the end of such fiscal year. The members of the board shall not be liable for any loss sustained as to such funds that are on deposit in such banks or trust companies.

Section 17. (1) Any member in service at his normal retirement date may retire at that time or, with the consent of the Personnel Policy Committee of the Division of Personnel, Department of Finance, at any time thereafter upon written notification to the board, made by such member or his employer, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service but shall not be more than ninety days prior to or subsequent to the filing of such notice.

(2) Any member who is in service on or after his fifty-fifth birthday and has completed at least twenty years of service may, upon approval by the board, retire upon written request to the board, made by the member or his employer, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and after the filing of such notice but shall not be more than ninety days subsequent to the filing of such notice.

(3) Any member having left the service after having completed at least twenty years of service with his employer as of the date of leaving service may retire under the provisions of subsection (1) of this section, or after having completed at least thirty years of creditable service with his employer as of the date of leaving service, may retire under the provisions of subsection (2) of this section provided that he shall not have withdrawn his accumulated contributions prior to the effective date of his retirement and except that any requirements as to the member being in service shall not apply.

Section 18. (1) Upon service retirement at normal retirement date, or subsequent thereto, a member shall receive an annual retirement allowance, payable monthly during his lifetime, which shall consist of an amount equal to ¼% of the first $1,200 of final compensation multiplied by the number of years of service, plus 1% of the next $2,400 of final compensation multiplied by the number of years of service, plus 1¼% of final compensation in excess of $3,600 multiplied by the number of years of service.

(2) Upon service retirement prior to normal retirement date, a member shall receive an annual retirement allowance

payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced by 5/12% for each month that the actual retirement date precedes the normal retirement date.

Section 19. Any member in service who has fifteen or more years of service may, at any time before his normal retirement date, retire on account of disability upon written notification to the board, made by the member or his employer, setting forth at what time the retirement is to become effective; provided that such effective date shall be after the last day of service but shall not be more than ninety days prior to the filing of such notice; and provided further that the examiner, after a medical examination of such member, shall certify that such member is, and has been continuously since such effective date, if prior to the filing of such notice, mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent and that such member should be retired. Upon reaching his normal retirement date the retired disabled member shall be deemed to be then on service retirement.

Section 20. Upon disability retirement, a member shall receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his disability except that the amount of such annual retirement allowance shall not be less than $480.00; provided, however, that the amount of disability retirement allowance payable after the member's normal retirement date shall not be greater than that amount equal to the service retirement allowance for retirement on his normal retirement date determined on the assumption that the member's compensation on the date of disability continued in the same amount up to his normal retirement date and that years of service include the period of disability retirement prior to his normal retirement date.

Section 21. Once each year during the first five years fol-

lowing the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the board may require such member prior to his normal retirement date to undergo a medical examination by the examiner. Should the member refuse to submit to any such medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights to any further disability allowance shall cease and he shall at the end of such one year, cease to be a member hereunder.

Section 22. (1) Whenever the examiner certifies to the board that a member receiving a disability retirement allowance is, prior to his normal retirement date, engaged in gainful occupation or work paying more than the difference between the disability retirement allowance and his final compensation, the board may reduce such retirement allowance to an amount which, together with the amount earnable by him equals the amount of his final compensation.

(2) Should the examiner report and certify to the board at any time that any disabled member is able to engage in gainful occupation paying more than the difference between his retirement allowance and his final compensation at retirement, and should the board find that such member shall have refused any employment considered by the board suitable to his capacity, he shall not be entitled to any such allowance during the continuance of such refusal, unless in the opinion of the board such refusal was justified.

Section 23. (1) Should a member receiving a disability retirement allowance recover from such disability at any time prior to his normal retirement date, his disability retirement allowance shall cease, and if he re-enters the active employ of the department from which he was retired for disability within thirty days after such recovery, he shall continue to be a member of the system and shall thereafter make his required contributions. Any service on the basis of which his disability retirement allowance was computed shall thereafter be counted as service with such department and, in addition the period of disability retirement shall be counted as service.

(2) The excess, if any, of accumulated contributions of such member over the disability retirement allowances received by him shall be transferred from the retirement allowance account to the members' contribution account.

Section 24. If a member has ceased to be an employe of the department with respect to which he has been a member, other than by death, or by retirement under the provisions of this Act, he shall be paid, on demand, but not later than ninety days thereafter, the amount of his accumulated contributions reduced by the amount of any retirement allowances previously received by him under any of the provisions of this Act. Should a member die at any time before retirement, the amount of his accumulated contributions, reduced by the amount of any retirement allowances previously received by him under any of the provisions of this Act, shall then be payable in a lump sum in accordance with section 27.

Section 25. Should a member die at any time after retirement but before receiving total retirement allowances provided in this Act at least equal to his accumulated contributions as of the date of his retirement, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum in accordance with section 27 unless the retirement allowance is then being paid in accordance with any of the options contained in section 26.

Section 26. (1) Each member shall have the right, with respect to paragraph (a) herein, not subsequent to the later of the effective date of the member's retirement or the date of the written notification to the board of the retirement of the member, or with respect to paragraphs (b) and (c) herein, not subsequent to one year prior to retirement, to elect to have his retirement allowance payable under any one of the options set forth in this section in lieu of the retirement allowance otherwise payable to him upon retirement under any of the provisions of this Act. The amount of any such optional retirement allowance shall be the actuarial equivalent of the amount of such retirement allowance otherwise payable to him. The member shall make such an election by written request to the board and such an election shall be subject to the approval of the board.

(a) A member may elect to receive an increased retirement allowance in lieu of any death benefits as provided in section 25.

(b) The member may elect to receive a decreased retirement allowance during his lifetime and have such retirement allowance, or one-half thereof if so designated, continued after his death to another person during the lifetime of such person. In case of such an election death benefits that might otherwise be provided under Section 25 shall not be payable upon the death of the member. This option may not be elected by a member if the social security option of paragraph (c) herein has previously been elected.

(c) If a member retires prior to his sixty-fifth birthday, he may elect to receive an increased retirement allowance up to his sixty-fifth birthday and a decreased retirement allowance thereafter, thereby providing a more nearly level retirement allowance when such decreased retirement allowance is added to his anticipated primary benefits under the Federal Social Security Act. The election of this option shall automatically revoke any previous election under the joint and last survivor option of paragraph (b) herein.

(2) The election by a member of any one of the options stated in this section shall be null and void if the member dies prior to retirement, and the election of a member of option (b) shall be null and void if the designated person dies before the member's retirement.

(3) A member who has elected any one of the options stated in this section may, at any time prior to the later of the effective date of the member's retirement or the date of written notification to the board of retirement of the member, revoke such an election by written notification to the board.

(4) If any service or disability retirement allowance provided in Sections 17 through 27 of this Act is less than $20.00 a month, the board may at its discretion pay the actuarial equivalent of such allowance in any other manner agreed on by the member and board.

Section 27. All lump sum payments due under this Act

upon the death of a member or retired member shall be paid to such person, if any, as the member or retired member shall have nominated by written designation signed in such manner as may be required by the board and filed with the board, otherwise to his executors or administrators. Such nomination may be changed from time to time by written designation by the member or retired member, signed and filed as aforesaid.

Section 28. (1) The system shall be administered by a Board of Trustees, which shall organize and begin to function at Frankfort, Kentucky, on or prior to the effective date of this Act and shall meet monthly thereafter in Frankfort at such time and place as may be determined by the board. Said board shall consist of five persons appointed by the Governor who shall serve for terms of four years, except that one member of the first board shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years and two members for a term of four years.

(2) Board members who are not employes of a department shall receive a salary of $10.00 per day for each day they are in session or are on official duty. All board members shall receive per diem expenses as established by the board in accordance with standards and regulations applicable to a department employe when on official duty.

(3) The board shall elect a Chairman and Vice Chairman. A majority of the members shall constitute a quorum, and all actions taken by the board will be by affirmative vote of a majority of the entire board. All vacancies on said board shall be filled by appointment for unexpired terms by the Governor.

(4) The board shall:

(a) Appoint an executive secretary, who shall be the secretary and the administrative officer of the board;

(b) Appoint such other employes as it deems necessary and fix the compensation for all employes of the board;

(c) Require such employes as it thinks proper to execute bonds for the faithful performance of their duties;

(d) Establish a system of accounting; and

(e) Do all things, take all actions and make all rules and regulations, not inconsistent with the provisions of this Act, that it deems necessary or proper in order to carry out the provisions of this Act.

(5) All employes of said board shall serve during its will and pleasure.

(6) The Attorney General, or an assistant designated by him, shall act as legal adviser and attorney for the board.

(7) The board shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities. All of its proceedings and records shall be open for inspection by the public.

(8) All expenses incurred by or on behalf of the board in the administration of the system during a fiscal year shall be borne by and allocated to all departments covered by the system during the fiscal year in proportion to the largest number of members of each such department during said fiscal year. The expenses incurred by the board in the administration of the system during any fiscal year shall not exceed $10,000, or 2% of the total employer and member contributions during such fiscal year, whichever is the larger.

Section 29. (1) The board shall be the trustee of the several funds created by this Act and shall have full power to invest and reinvest such funds, subject to the limitation that no investment shall be made except, upon the exercise of bona fide discretion, in securities which, at the time of making the investment, are, by law, permitted for the investment of funds by fiduciaries in this state. Subject to such limitation, the board shall have full power to hold, purchase, sell, assign, transfer or dispose of, any of the securities or investments in which any of the funds created herein have been invested, as well as of the proceeds of such investments and any moneys belonging to such funds.

Section 30. No member of the board shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, save in so far as any such member may be a member or beneficiary of the retirement system. No member

of the board shall, directly or indirectly, for himself or as an agent, in any manner use the funds or deposits of the retirement system, except to make such payments therefrom as are authorized by the board; nor shall any member of the board become an endorser or surety or in any manner an obliger for moneys loaned by or borrowed from the board.

Section 31. The State Treasurer shall be the custodian of the fund created by this Act and he shall be responsible on an official surety bond for all cash and securities in his custody. All registered securities in the fund created by this Act shall be registered in the name "Kentucky Department Retirement System," and every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the signature of the State Treasurer, and securities shall be delivered by him when directed so to do by resolution of the board. All payments from said fund shall be made by him on warrants issued upon orders signed by such person as is designated for the purpose by the board. A duly attested copy of a resolution of the board designating such person and bearing on its face the specimen signature of such person shall be filed with the Commissioner of Finance as his authority for issuing warrants upon such orders. No order shall be signed unless it has previously been authorized by the board, which authorization shall be recorded on the records of the board.

Section 32. The board shall, from time to time, employ one or more physicians, practicing in the state and not members of the system, upon such terms and conditions as it may prescribe, whose duty it shall be to pass upon all medical examinations required under this Act or by the board, and to investigate all health or medical statements and certificates made by or in behalf of any person in connection with the payment of money to such person under this Act, and shall report in writing to the board his conclusions and recommendations upon all matters referred to him.

Section 33. As soon as practicable after its organization, the board shall adopt such actuarial tables as are necessary for the administration of the system. At least once in each five year period, the board shall cause an actuarial investigation to be

made of all the experience under the retirement system and an evaluation of the liabilities of the system with respect to each department. Pursuant to such investigation the board shall, from time to time, revise the actuarial tables previously adopted by the board and shall thereupon revise the bases of the rates of contributions by each employer prescribed under this Act. All of such investigations and evaluations must be certified to the board by a Fellow of the Society of Actuaries.

Section 34. The employer shall prepare such records and from time to time shall furnish such information as the board may require in the discharge of its duties. Upon employment of a member, the employer shall inform the member of his duties and obligations in connection with the system as a condition of employment.

Section 35. Every member shall be deemed to consent and agree to any deductions from his compensation required by this Act and to all other provisions thereof.

Section 36. Should any change or error in records result in any member or beneficiary receiving from the system more or less than he would have been entitled to receive had the records been correct, then on discovery of any such error the board shall correct the same, and as far as practicable shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which member or beneficiary was correctly entitled shall be paid.

Section 37. All retirement allowances and other benefits accrued or accruing to any person under the provisions of this Act, and the accumulated contributions and cash securities in the funds created under this Act, are hereby exempted from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court.

Section 38. (1) The General Assembly of the Commonwealth of Kentucky reserves the right to alter, amend or repeal any provision of this Act or any application thereof to any person; provided, however, that the amount of benefits which at the

time of any such alteration, amendment or repeal shall have accrued to the extent provided under subsection (2) of this section for the members or beneficiaries shall not be affected thereby.

(2) If the General Assembly repeals the provisions of this Act, the board shall continue to administer the system in accordance with the provisions of this Act, for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this Act who are designated by any of said members.

(3) In the event of repeal as provided in subsection (1) of this section the assets of the system credited to each department shall be allocated with respect to each department by the board in an equitable manner to provide benefits for the persons designated in subsection (2) of this section in accordance with the provisions of this Act but based on years of service and final compensation as of the date of repeal and in the following order with respect to each department:

(a) For the benefit of the members to the extent of their individual account in the members' retirement allowance account.

(b) If any funds remain, then for the benefit of the beneficiaries and persons already designated by former members who are then beneficiaries under one of the options provided for in this Act to the extent of the then actuarial value of their retirement allowances.

(c) If any funds remain, then for the benefit of members and persons, if any, designated by members under one of the options provided for in this Act, to the extent, not provided under paragraph (a) herein, of the then actuarial value of their accrued retirement allowances. The allocation under this paragraph shall be on the basis of the oldest-ages-first method.

(4) In the event the assets at the date of repeal are insufficient to provide all of the benefits of paragraph (a) or (b) of subsection (3), or both, then each employer will contribute to the assets from time to time, as and when required, the amount

necessary to make up such insufficiency with respect to its department.

(5) The allocation of assets of the system provided for in subsection (3) of this section shall be carried out through the payment by the board of the benefits provided for in this section as they become due, or by the transfer of such assets to any retirement system replacing this system, provided that such vesting of benefits in the members or beneficiaries of each department, as are provided by this section, shall be fully maintained under such new retirement system. Any funds remaining in the assets of this system with respect to any department after all of the vested benefits provided by this section have been paid shall revert to such department.

(6) Any allocation of assets made in accordance with the provisions of this section shall be final and binding on all persons entitled to benefits under said provisions.

Section 39. Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the system in any attempt to defraud the system shall, upon conviction thereof, be punished by fine not exceeding $1,000 or imprisonment not exceeding twelve months or both.

Section 40. This Act shall become effective July 1, 1954.

By Mr. Routh.

H. B. No. 362. AN ACT relating to permitting cattle to run at large in justice's districts and election therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any justice's district may, by an election held as provided in this Act, permit cattle to run at large in such district.

Section 2. A petition for an election on the question of whether or not cattle shall be permitted to run at large shall be signed by a number of constitutionally qualified voters of

the justice's district at least equal to twenty-five percent of the votes cast in the territory at the last preceding general election. The petition may consist of one or more separate units, and shall be filed with the county court.

Section 3. After a petition for election has been filed, the county court shall direct the sheriff and the officers of election in the justice's district to open a poll at the next regular election held not less than sixty days after the filing of the petition for the purpose of ascertaining the will of the voters upon the question whether or not they are in favor of permitting cattle to run at large in the justice's district.

Section 4. No election shall be ordered under the terms of this Act unless the petitioners deposit with the county court, at the time the petition is filed, an amount sufficient, in the judgment of the court, to defray the expenses of the election.

Section 5. The question shall not be submitted unless notice is published twenty days before the election in at least four issues of the newspaper published in the county, if there is one, having the largest bona fide circulation in the county. If there is no newspaper published in the county notice shall be given by posting notices of the election on the courthouse door or the bulletin board for the courthouse, and in four public places in the district in which the election is to be held, at least twenty days before the election.

Section 6. When an election is ordered under the terms of this Act, the county clerk shall have printed on the ballots for the justice's district in which a vote is to be taken the question: "Are you in favor of making it lawful for cattle to run at large on the public highways and uninclosed lands of this justice's district?"

Section 7. The ballots shall be counted and certified and the result announced in the same manner, at the same time and by the same persons authorized to count and certify the ballots in elections held for county offices. The result shall be entered upon the records of the county court at its next regular term held after the result is declared.

Section 8. If a majority of those voting upon the question

stated in this Act vote "Yes", after thirty days following the election any person may permit any cattle owned by him or under his control or in his custody to run at large in the justice's district.

By Mr. Routh.

H. B. No. 363. AN ACT relating to penalties for driving a motor vehicle while under the influence of intoxicating liquors or narcotic drugs, and amending subsection (10) of Section 189.990 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (10) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(a) Any person who violates Subsection (2) of KRS 189.520 shall be imprisoned for not more nor less than thirty days for the first offense, and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and imprisoned for not more than six months.

(b) Any peace officer who violates Subsection (3) of KRS 189.520 shall be fined not less than twenty-five nor more than one hundred dollars.

By Mr. Ratcliffe.

H. B. No. 364. AN ACT relating to neglect of children under the age of eighteen years, and amending Section 405.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 405.030 of the Kentucky Revised Statutes is amended to read as follows:

No parent shall willfully or unreasonably neglect to provide for the support of his minor child who is actually or apparently under the age of eighteen years.

By Mr. Blue, Mr. McCallum, Mr. Holt, Mrs. Wilson, Mr. Majors, Mr. Harris, Mr. Reynolds, Mr. Winstead, Mr. Bleemel, Mr. Sayler, Mr. Rayburn, Mr. Moorman, Mr. Hilton, Mr. Pollitte, Mr. Harralson, Mr. McClanahan, Mr. Ratcliffe, Mr. Edmonds, Mr. Taylor, Mr. Lacy, Mr. Helm, Mr. Raybourne, Mr. Mobley, Mr. Lowman, and Mr. Qualls.

H. B. No. 365. AN ACT relating to public school education; to provide for the establishment, operation, and financing of a foundation program for the public schools in the Commonwealth of Kentucky and for the apportionment, distribution, and use of the public school foundation program fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. In this Act, it is the intention of the General Assembly to assure substantially equal public school educational opportunities, through a foundation program, for those in attendance in the public schools of the Commonwealth, but not to limit nor to prevent any school district from providing educational services and facilities beyond those assured by the foundation program; and to provide, as additional state funds are made available for the public schools, for the use of such funds for the further equalization of educational opportunities. This Act shall be interpreted as a measure to provide for an efficient system of public schools throughout the Commonwealth, as prescribed by Section 183 of the Constitution of Kentucky, and for the manner of distribution of the public school fund among the districts and its use for public school purposes, as prescribed by Section 186 of the Constitution.

SECTION 2. As used in this Act, unless the context otherwise requires:

(1) "Average daily attendance" means the aggregate days attended by pupils in a public school, divided by the actual number of days the school is in session for the year;

(2) "Average daily membership" means the aggregate days of membership of pupils in a public school divided by the actual number of days the school is in session for the year;

(3) "Board" means the board of education of any county or independent school district;

(4) "Class room unit" means the unit for measuring educational needs for foundation program purposes;

(5) "District" means any school district as defined by law;

(6) "Elementary school" means a school consisting of grades one through eight, or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board;

(7) "Foundation program" means the level of educational services and facilities, as defined in this Act, which is to be provided in each district from the required local tax effort and the public school foundation program fund;

(8) "Isolated school" means an elementary or secondary school which had fewer than one hundred pupils in average daily attendance during the previous school year and which meets such standards for isolation as shall be prescribed by the regulations of the State Board of Education, based on factors to include distance by the nearest passable road from another appropriate school center which is able to receive the pupils, and the time for transportation necessary to attend another school; provided, however, that the Superintendent of Public Instruction, under regulations of the State Board of Education, may annually classify a school as "temporarily isolated" for a period not to exceed five years if satisfactory facilities for the pupils cannot be provided at another appropriate school center;

(9) "Public school foundation program fund" means the fund created by Section 3 of this Act for use in financing education in public elementary and secondary schools;

(10) "Regulations of the State Board of Education" means those regulations which the State Board of Education may adopt upon the recommendation and with the advice of the Superintendent of Public Instruction. The Superintendent of Public Instruction shall recommend for adoption of the State Board of Education such rules and regulations as he deems necessary for carrying out the purposes of this Act;

(11) "Required local tax effort" means the amount of money required to be provided by a district from local revenue sources toward the cost of the foundation program in the district;

(12) "Secondary school" means a school consisting of grades seven through twelve, or any appropriate combination of grades within this range as determined by the plan of organization for schools authorized by the district board. When grades seven through nine or ten are organized separately as a junior high school, or grades ten through twelve are organized separately as a senior high school and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of this Act;

(13) "Single salaried schedule" means a schedule adopted by a local board and approved by the State Board of Education upon recommendation of the Superintendent of Public Instruction, which is based on training, experience and such other factors as the board may authorize and which does not discriminate between salaries paid elementary and secondary teachers;

(14) "Teacher" means any full-time regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, director of pupil personnel, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary school for whom certification is required as a condition of employment;

(15) "Transportation unit" means the unit for measuring pupil transportation needs for foundation program purposes.

SECTION 3. (1) There is hereby established the public school foundation program fund which shall consist of two accounts: one to be designated the per capita account and the other to be designated the equalization account, consisting of appropriations for distribution to districts in accordance with the provisions of this Act.

(2) The resources of the public school foundation program fund shall be paid into the State Treasury, and shall be drawn out or appropriated only in aid of public schools as provided by statute.

SECTION 4. The Superintendent of Public Instruction shall, on or before July 1 in each year, ascertain for the school year the amount of the per capita account to which each district will be entitled according to the number of children listed in its census enumeration as shown by the annual report of the director of pupil personnel; provided, however, that not more than $26,212,500 shall be apportioned on a per capita basis in any year. The Department of Finance shall furnish the Superintendent of Public Instruction any data needed in making the apportionment. The Superintendent of Public Instruction shall, as soon as practicable, file a copy of the apportionment with the Department of Finance, and inform the board of each district of the amount to which the district is entitled.

SECTION 5. (1) Each district which meets the following requirements shall be eligible to share in the distribution of funds from the equalization account of the public school foundation program fund:

(a) Employs and compensates all teachers for not less than nine scholastic months; provided, that the State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than nine scholastic months, in which case the eligibility of a district for participation in the equalization account shall be in proportion to the length of time teachers actually are employed;

(b) Operates all schools for a length of term which meets the requirements of KRS 158.070 and regulations of the State Board of Education; provided, that if the school term is less than nine months the eligibility of a district for participation in the equalization account shall be in proportion to the length of term the schools actually operate;

(c) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of this Act;

(d) Makes the required local tax effort, except as otherwise provided by Section 10 (2) of this Act;

(e) Provides for the assessment and levy of school taxes in an amount which shall not be less during 1954-55 or 1955-56 than the amount received by the district from this source during 1953-54 unless the Department of Revenue certifies to the Superintendent of Public Instruction a decreased total value of property subject to taxation for school purposes in such district;

(f) Includes no non-resident pupils in its average daily attendance, except by written contract with the district of the pupils' legal residence.

SECTION 6. (1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall allot to each district classroom units for elementary and secondary schools, classroom units for vocational education, classroom units for special instructional services for exceptional children, classroom units for superintendents, principals and their certificated assistants and special instructional service personnel, classroom units for supervisors of instruction, and classroom units for directors of pupil personnel; provided, however, that the number of classroom units alloted any district shall not exceed the number of teachers employed by the district.

(2) In allotting classroom units for elementary and secondary schools, one classroom unit shall be included for each twenty-seven pupils in average daily attendance; provided, however, that one classroom unit shall be included for each isolated one-teacher school and one unit shall be included for each twenty-five pupils in average daily attendance at all other isolated schools; provided, however, that one twenty-seventh of a classroom unit shall be included for each pupil in average daily attendance at Lincoln Institute if such attendance is under provisions of a written contract between Lincoln Institute and the district of the pupil's legal residence.

(3) Allotments of classroom units in accordance with subsection (1) of this Section shall be made on the average daily attendance for the previous school year; provided, however, that if the average daily attendance in any district for the first two months of the current school year is greater than the average daily attendance of the district for the first two months of the

previous school year, upon application of the district board, made prior to December 1, the total number of classroom units alloted the district shall be increased by the percent of increase; and provided further, that if the average daily attendance of any district shall have been reduced more than three percent during the previous school year due to such factors as epidemics, inclement weather, or disaster, upon application of the district superintendent, made before July 1 of that year, the number of classroom units allotted the district for the ensuing school year shall be increased by the difference in percent between the ratio of the average daily attendance to the average daily membership for the scholastic year just ended, and the ratio of the average daily attendance to the average daily membership for the two highest of the three preceding scholastic years.

(4) In allotting classroom units for vocational education, one classroom unit shall be allotted for each full-time teacher, and a proportionate fraction of a classroom unit shall be allotted for each less than full-time teacher, of vocational classes that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education; a proportionate fraction of a classroom unit shall be allotted for each teacher employed to teach evening, part-time, or short unit classes for less than a school day or a school year, that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education.

(5) In allotting classroom units for special instructional services for exceptional children, one classroom unit shall be included for each teacher approved to teach such children in accordance with the provisions of law and regulations of the State Board of Education.

(6) In allotting classroom units for superintendents, principals, their certificated assistants, and special instructional service personnel, the total number of classroom units allotted in subsections (2) through (5) inclusive shall be divided by eight and the quotient shall be the number of classroom units allotted to the district for superintendents, principals, their certificated assistants and such special instructional service personnel as are authorized by regulations of the State Board of Education.

(7) In allotting classroom units for supervisors of instruction, one half of a classroom unit shall be allotted each district which is allotted twenty-five through forty-nine classroom units; one unit shall be allotted each district which is allotted fifty to one hundred classroom units; one unit shall be allotted for each one hundred classroom units, or major fraction thereof, in districts allotted more than one hundred classroom units.

(8) In allotting classroom units for directors of pupil personnel, who shall have the qualifications and duties prescribed by statute for attendance officers, one classroom unit shall be allotted each district which is allotted thirty-six to one hundred and sixty-six classroom units, and a unit for each additional two hundred and sixty-six classroom units. For districts having less than thirty-six classroom units, a proportionate fraction of a classroom unit shall be allotted.

(9) In allotting classroom units under subsections (1) through (8) the Superintendent of Public Instruction, under regulations of the State Board of Education, may allot units on the basis of an area larger than a district for educational services which cannot be adequately and economically provided on a district basis.

SECTION 7. (1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall allot to each district transportation units.

(2) One transportion unit shall be allotted for each eighty pupils in average daily attendance who are transported to school at public expense and who live one or more miles from school by the nearest traveled road; provided, that handicapped children may be included who live less than this distance from school.

(3) One transportation unit shall be allotted for each fifty square miles served by school transportation facilities of the district if seventy-five percent or more of the total miles of bus routes of the district is hard-surfaced; one transportation unit for each forty-five square miles if between forty and seventy-four percent of the total miles of bus routes of the district is hard-surfaced; and one transportation unit for each forty square miles if less than forty percent of the total miles of bus routes of the district is hard-surfaced.

(4) Where more than one transportation system is required by law or regulations of the State Board of Education, additional transportation units shall be allotted on application of the district board.

(5) The Legislative Research Commission is hereby directed to conduct a study of pupil transportation in Kentucky and report its findings to the General Assembly on or before January 1, 1956.

SECTION 8. (1) On or before July 1 of each year the Department of Revenue shall determine the aggregate assessed value of all property subject to assessment for school tax purposes, and shall determine the percentage the equalized value of property in each district is of the total equalized value of all property in the Commonwealth subject to taxation for school purposes and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each district. If such assessment has not become final by July 1 of any year, the Department of Revenue shall, on the basis of other information as may be available, make an estimate of the assessment of all property subject to local school tax in each school district and the estimate shall be used in lieu of the aggregate assessed value.

(2) In determining the required local tax effort for districts which participate in the equalization account, including the capital outlay allotment, the Superintendent of Public Instruction shall divide the aggregate assessed value of all property in the Commonwealth subject to taxation for school purposes by one hundred and multiply the quotient thereof by one dollar and ten cents. The product thereby obtained shall be multiplied by each district's percentage of the total equalized value of all property in the Commonwealth subject to taxation for school purposes. In determining the required local tax effort for districts which do not participate in the capital outlay allotment of the equalization account, the multiplier shall be one dollar.

(3) Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

(4) A portion of funds received by any district from the Federal government in lieu of taxation of property shall be

added to the district's required local tax effort. The portion of such Federal funds added to the district's required local tax effort shall be the percentage the required local tax effort is of the total levy for school current expense purposes made in the district during that year.

SECTION 9. (1) The Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers in ranks as follows:

RANK I. Those holding regular certificates and who have a master's degree and who have earned twenty-four semester hours of approved graduate work beyond the master's degree;

RANK II. Those holding regular certificates and who have a master's degree or its equivalent or one year of approved graduate work beyond the bachelor's degree;

RANK III. Those holding regular certificates and who have an approved four-year college degree or the equivalent;

RANK IV. Those holding certificates based on ninety-seven to one hundred and twenty-eight semester hours of college training or the equivalent;

RANK V. Those holding certificates based on sixty-five to ninety-six semester hours of college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank;

RANK VI. Those holding certificates based on thirty-three to sixty-four semester hours of college training or the equivalent;

RANK VII. Those holding certificates or permits based on less than thirty-three semester hours of college training or the equivalent.

In determining rank equivalents, the Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers who hold certificates as of the

date of this Act in the respective ranks according to earned semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(2) The amount to be included in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule for each rank:

Rank I	$3,500
Rank II	3,200
Rank III	2,900
Rank IV	2,400
Rank V	2,100
Rank VI	1,800
Rank VII	1,500

provided the amount to be included for vocational units, supervisory units, and units for administrators, directors of pupil personnel and special instructional services shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the Superintendent of Public Instruction under regulations of the State Board of Education. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of this Act, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(3) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by six hundred dollars.

(4) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by four hundred dollars.

(5) The amount to be included in the foundation program for transportation shall be determined by multiplying the number of transportation units by sixteen hundred dollars.

(6) The total cost of the foundation program for each district shall be the sum of the allotments in subsections (2), (3), (4) and (5) above.

SECTION 10. (1) The amount of money distributable to each district from the equalization account shall be determined by subtracting the required local tax effort, any portion of Federal funds required to be included, as set forth in Section 8 (5) of this Act, and the amount of funds from the per capita account to which each district is entitled, from the total foundation program allotment for the district as determined in Section 9.

(2) If a district fails for any reason to make the required local tax effort, as provided in Section 8, the amount of the apportionment of the equalization account to be paid to such district shall be reduced by the percentage of loss from the required local tax effort.

(3) So much of the equalization account which would not be distributed under subsection (1), due to the failure of one or more participating districts to meet the full requirements, shall be held in the account for distribution the following year among districts which meet the requirements for participation.

SECTION 11. For each school year the Department of Finance, on the certification of the Superintendent of Public Instruction, shall draw warrants as specified hereinafter on the State Treasurer for the amount of the public school foundation program fund due each district. Checks shall be issued by the State Treasurer and transmitted to the Department of Education for distribution to the proper officials of the several school districts when the districts have fully complied with the school laws and rules and regulations of the State Board of Education. The Superintendent of Public Instruction shall determine on or before July 15 of each year the tentative allotment of school funds to which each district is entitled under the provisions of this Act. Beginning August 1 of each year and on the first of each month thereafter for seven successive months one-twelfth of each district's share of the public school foundation program fund shall be distributed. On or before March 1 of each year the Superintendent of Public Instruction shall de-

termine the exact amount of the public school foundation program fund to which each district is entitled and the remainder of the amount due each district for the year shall be distributed in four equal installments beginning March 15 and for three successive months thereafter.

SECTION 12. Public school foundation program funds made available to the credit of each district during any year, together with the funds required from local tax effort, shall be received, held and expended by the district board, subject to the provisions of law and regulations of the State Board of Education. The following restrictions shall govern the expenditure of funds from the equalization account:

(1) Funds allotted each district for salaries of teachers shall be used only for teachers holding properly authorized certificates. The average salary paid any rank of teachers shall be at least equivalent to the equalization account allotment for that rank as established in Section 9 (2) of this Act, and no teacher shall be paid less than ninety percent of the equalization account allotment for that rank;

(2) The capital outlay allotment for each district from the equalization account and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the Superintendent of Public Instruction in accordance with requirements of law, and based on a survey made in accordance with rules and regulations prescribed by the State Board of Education. These funds shall be used for the following purposes:

(a) For direct payment of construction costs;

(b) For debt service on bonds issued subsequent to the passage of this Act;

(c) For payment on lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For debt service on bonds issued prior to the passage of this Act, if it has been determined by the survey that this district has met all of its major capital outlay needs;

(e) As a reserve fund for the above named purposes, to

be carried forward in ensuing budgets, if not needed for the current year; provided, however, if any district has a special levy for capital outlay that is equal to the capital outlay allotment or a proportionate fraction thereof, and spends the proceeds of that levy for the above named purposes, the Superintendent of Public Instruction, under regulations of the State Board of Education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

SECTION 13. (1) If, when the apportionments are being determined under the provisions of this Act, funds appropriated by the General Assembly to the public school foundation program fund plus the funds required from local tax effort are insufficient to provide the amount of money required under Section 10 (1), the Superintendent of Public Instruction shall make a percentage reduction in the amount included for the foundation program in each district to the extent necessary to reduce the cost of the foundation program to funds available, provided that no district shall receive less than the amount provided for under Section 4 of this Act and provided that during fiscal years 1954-55 and 1955-56, no district which received equalization funds during 1953-54 fiscal year shall receive a smaller amount than the amount it would receive under Section 4 plus the amount of equalization funds it received during the 1953-54 fiscal year, unless the average daily attendance for the district is reduced from that of 1952-53 in which case the amount of equalization funds shall be reduced proportionately.

(2) Under the terms of subsection (1) of this Section, the State Board of Education upon recommendation of the Superintendent of Public Instruction may waive any or all of the requirements contained in Section 5 (1) (a) and (b), Section 6 (3), and Section 12 (1) and (2) and that part of Section 6 (1) which provides that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(3) Whenever it shall become necessary to invoke subsection (2) of this Section, each district affected shall submit to

the Superintendent of Public Instruction for the approval of the State Board of Education a plan through which maximum use will be made of the funds apportioned to attain, in so far as possible, the objectives set forth in this foundation program Act, provided that such plan does not result in the payment to any teacher of a salary less than the amount paid for the same proportionate time in 1953-54.

SECTION 14. In addition to the local tax effort required by Section 8, for participation in the equalization account of the public school foundation program fund, such districts or any other district may exceed this levy or the maximum levy provided by KRS 160.475 provided that, upon request of the board, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, in the manner of submitting and voting as prescribed in KRS 160.477 (1), the question as to whether a rate of more than one dollar and fifty cents or the required local tax effort, whichever rate is higher, shall be levied. If a majority of those voting on the question favor the increased rate, the tax levying authority shall, when the next tax rate for the district is fixed, levy the rate requested by the board not to exceed the rate authorized by the voters.

SECTION 15. Any person who willfully violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars.

SECTION 16. (1) KRS 160.530 is hereby repealed and reenacted to read as follows: The money collected by taxation under the provisions of KRS 160.460 to 160.520 and other school money shall be expended by the board of education in accordance with the recommendations contained in the budget submitted to the tax levying authority.

(2) The following Sections of the Kentucky Revised Statutes are hereby repealed: 157.020 KRS, 157.040 KRS, 157.050 KRS, 157.051 KRS, 157.052 KRS, 157.053 KRS, 157.054 KRS, 157.055 KRS, 157.070 KRS, 157.080 KRS, 157.090 KRS, 161.150 KRS and all Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 17. This Act shall take effect and become fully operative July 1, 1954.

By Mr. Burnley and Mr. Lowman.

H. B. No. 366. AN ACT amending KRS 161.430; and providing for the investment of funds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 161.430 KRS be amended and re-enacted so that when re-enacted it shall read as follows:

(1) The board of trustees shall be the trustee of the funds of the retirement system, and shall have full power and responsibility for the investment and disbursement of the funds. No investment shall be made of the funds except in the following:

(a) Obligations of the United States and obligations for which the faith of the United States is pledged for the payment of the interest and principal.

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments.

(c) Obligations of any city of the first, second, third, and fourth classes of the Commonwealth of Kentucky which are payable from voted taxes.

(d) School improvement bonds issued in accordance with authority granted under KRS 162.080 to and including KRS 162.100.

(e) School building revenue bonds issued in accordance with authority granted under KRS 162.120 to and including KRS 162.300, provided the issuance of such bonds is approved by the State Department of Education.

(f) Revenue bonds issued by educational institutions of the Commonwealth of Kentucky as authorized by KRS 162.340 to and including KRS 162.380.

(g) Bonds issued by corporations organized under the laws of the United States or of any state in the United States, or of the District of Columbia, when such bonds have a rating of the highest or next highest classification made by a nationally known major rating service.

(h) Deposits in banks or trust companies in the Commonwealth of Kentucky organized under the laws of this state, or of the United States, when such deposits are interest bearing at a rate not lower than two per centum per annum, and when such deposits are fully secured by direct obligations of the United States government, placed in the hands of the State Treasurer and approved by the board of trustees.

(2) (a) Not more than 25 percent of any one issue may be purchased by the board of trustees as an investment; and not more than five percent of the invested funds of the retirement system may be invested in the obligations of any issuer except in the case of obligations of the United States government. No investment may be made in the obligation of any issuer which has been in default on any of its bonds or interest during a period of the last ten years immediately preceding the purchase.

(b) Not more than 16 percent of the receipts of any fiscal year may be invested in all of the foregoing classifications of (c), (d), (e) and (f); and not more than eight percent of the receipts of any fiscal year may be invested in corporate bonds of classification (g) of subsection 1.

(3) No investment or disbursement of the funds shall be made unless authorized by resolution adopted by the board of trustees.

By Mr. Martin, Mr. Dempsey, Mr. Buchanan, Mr. Blue, Mr. McClanahan, and Mr. Hill.

H. B. No. 367. AN ACT relating to forbidding minors from being on the premises of a retail alcoholic beverage licensee.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Certain new sections of the statutes are created, to read and be numbered as follows:

244.085. It shall be unlawful for any retail licensee of alcoholic beverages to allow a minor 16 years of age and under to be and remain in or on the premises where alcoholic beverages are being sold.

2. Any retail licensee of alcoholic beverages who violates KRS 244.085 shall be fined not less than $100.00 nor more than $500.00 and suspension of license for a period of not less than 30 days.

By Mr. Newsom and Mr. Edmonds.

H. B. No. 368. AN ACT relating to the Friend of the Court, and amending Section 403.090 (1) Ky. Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 403.090 (1) of the Kentucky Revised Statutes is amended to read as follows:

In any county, the fiscal court may, by resolution, authorize the appointment of a "friend of the court." If the circuit court of the county has but one judge, the appointment shall be made by the judge. If the court has two or more judges, the appointment shall be made by joint action of the judges, at the general term. The appointment shall be for a term of two years, subject to removal at the pleasure of the appointing authority. Vacancies shall be filled by appointment of the appointing authority for the unexpired term. The person appointed shall be licensed practicing attorney. He shall take the Constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.

By Mr. Fitzpatrick and Mr. Ockerman.

H. B. No. 369. AN ACT relative to the powers of cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The legislative body of any city is hereby authorized and empowered to exercise all the rights, powers, franchises, and privileges, not in conflict with any statute now or hereafter enacted, which such legislative body shall deem requisite for the welfare of the inhabitants of such city, and for the effectual administration of all local government now or hereafter within its territorial limits.

Section 2. This Act is intended to enable the legislative body of any city to enact, amend, and repeal local ordinances or resolutions for the purpose of exercising fully and completely the powers granted by the terms and within the spirit hereof. Nothing in this Act shall be construed to abolish or curtail any existing statute, or any power or rights heretofore conferred upon or delegated to such city, or to any board, body, or officer thereof, nor to restrict the powers of the General Assembly to pass laws regulating matters of State concern or provide by general laws for the Government of cities.

Section 3. The powers herein granted shall be in addition to all other powers granted to cities by other provisions of law.

By Mr. Edmonds, Mr. Newsom, Mrs. Stovall, Mr. Murphy, and Mr. Day.

H. B. No. 370. AN ACT relating to Workmen's Compensation and amending Sections 342.055, 342.015, 342.020, 342.030, 342.035, 342.040, 342.070, 342.075, 342.095, 342.100, 342.105, 342.110, 342.111, 342.185, 342.265, 342.270, 342.395 and 342.320 of the Kentucky Revised Statutes, and amending Chapter 342 of the Kentucky Revised Statutes by adding thereto a new section relating to compensation for death or disability of employes due to occupational diseases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.005 of the Kentucky Revised Statutes is amended to read as follows:

(1) This chapter shall apply to all employers having three or more employes regularly engaged in the same occupation or

business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States; provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employes for a personal injury sustained by the employe by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that "personal injury by accident" shall include occupational diseases as defined in KRS 342.317 and shall also include diseases which are the natural and direct result of a traumatic injury by accident, and shall also include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air," and shall also include injuries or death due to the inhalation of any kind of gas.

(2) Any employers and employes who are by the provisions of this section excepted from the provisions of this chapter, including employers having less than three employes, may subject themselves thereto by joint, voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated.

Section 2. Section 342.015 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where at the time of the injury both employer and employe have elected to furnish or accept compensation under the provisions of this chapter for a personal injury, received by an employe by accident and arising out of and in the course of his employment, or for death resulting from such injury, the employer shall be liable to provide and pay compensation under the provisions of this chapter and shall, except as provided in subsection (2) of this section and in KRS 342.170, be released from all other liability.

(2) If injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe or his dependent as herein defined shall

receive the amount provided in this chapter in a lump sum to be used, if desired, to prosecute the employer. The dependents may bring suit against the employer for any amount they desire. If injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe or his dependents may take under this chapter, or in lieu thereof, have a cause of action at law against the employer as if this chapter had not been passed, for such damage so sustained by the employe, his dependents or personal representatives as is recoverable at law. If a suit is brought under this section, all right to compensation under this chapter shall thereby be waived as to all persons. If a claim is made for the payment of compensation or any other benefit provided by this chapter, all rights to sue the employer for damages on account of such injury or death shall be waived as to all persons.

(3) No employe or dependent of any employe may receive compensation on account of any injury to or death of an employe caused by a willful, self-inflicted injury, or willful misconduct of such employe.

(4) "Willful misconduct" as used in this section when relating to the disease of silicosis caused by the inhalation of silica dust, shall include:

(a) Failure or omission on the part of an employe to observe rules and recommendations adopted by the employer and approved by the Workmen's Compensation Board and kept posted in a conspicuous place in and about the plant;

(b) Fraudulent failure or omission on the part of an employe truthfully to state to the best of his knowledge in answer to inquiry made by the employer the place, duration, and nature of previous employment;

(c) Fraudulent failure and omission on the part of an employe truthfully to furnish to the best of his knowledge in answer to an inquiry made by the employer full information about the previous status of his health, habits, and medical attention that he or his blood relatives may have received;

(d) Failure to submit to medical examination to determine his physical condition with reference to the disease of silicosis

when ordered by the board, or evasion or obstruction of such examination.

Section 3. Section 342.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to all other compensation provided under the Workmen's Compensation Law, the employer shall pay the expense for the cure and relief from the effects of an injury to an employe, such medical, surgical, and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than twenty-five hundred dollars. The injured employe may select the doctor or doctors to treat his injury and the hospital or hospitals in which his injury shall be treated. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) As used in this Act, the words "Doctor," "Physician" and "Surgeon" shall be construed to mean and include all duly licensed and practicing doctors and practitioners who have been licensed in their profession under the laws of any state.

(3) Where a compensable injury results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye, or the loss of natural teeth, the employer shall initially pay for in addition to other medical, surgical and hospital treatment enumerated in subsection (1) of this section, a modern artificial member, and where required, proper braces, and in addition the employer shall pay for, repair, or replace, any artificial member, eye or teeth, or eye-glasses, which may be damaged or destroyed by an accident for which compensation is payable, but the employer's liability for such artificial members or braces shall not, including his liability for medical, surgical and hospital treatment, exceed twenty-five hundred dollars.

Section 4. Section 342.021 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an employe receives a personal injury which

is or may be compensated under the Workmen's Compensation Law and said employe is examined or treated for such injury by a doctor or physician selected by the employer, the employer shall cause to be furnished to the employe, if requested by him, and to the board, if required by it, immediately following said examination or treatment a copy of the report of the doctor or physician showing the nature and condition and effect of the employe's injury. Upon any future examination or examinations by a doctor or physician selected by the employer, the employer shall cause to be furnished to the employe, if requested by him, and to the board, if required by it, immediately following such examination copies of the reports thereof containing the information mentioned above.

(2) If the employe should be examined or treated by any doctor of his own choosing, the employe shall, immediately following said examination, cause a copy of the report thereof to be furnished to his employer or to the board, if required by either.

Section 5. Subsection (1) of Section 342.030 of the Kentucky Revised Statutes is hereby repealed.

Section 6. Section 342.035 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees and charges under KRS 342.020 shall be fair and reasonable, shall be subject to regulation by the board and shall be limited to such charges as are reasonable for similar treatment of injured persons of a like standard of living in the same community and where such treatment is paid for by the injured person himself. In determining what fees are reasonable, the board may also consider the increased security of payment afforded by this chapter.

(2) Where such requirements are furnished by a public hospital or other institution, payment thereof shall be made to the proper authorities conducting it. No compensation shall be payable for the death or disability of the employe, if his death is caused, or if in so far as his disability is aggravated, caused or continued, by an unreasonable failure to submit or follow any competent surgical treatment or medical aid or advice.

Section 7. Section 342.040 of the Kentucky Revised Statutes is amended to read as follows:

Unless the employe is compensated by his employer by the payment of his regular wages, compensation shall be paid from the first day of disability. All compensation shall be payable on the regular pay day of the employer, commencing with the first regular pay day after the injury with interest at the rate of six percent per annum on each installment from the time it is due until paid.

Section 8. Section 342.070 of the Kentucky Revised Statutes is amended to read as follows:

If death should result from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of five hundred dollars and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of two hundred dollars, payment to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons, seventy-five percent of the average weekly earnings of the deceased employe, but not to exceed thirty-five dollars nor less than fifteen dollars per week shall be payable, all such payments to be made for the period between the date of death and four hundred weeks after the date of accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of fourteen thousand dollars.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe is proportionate to total dependency, and all such payments to be made for the period between the date of death and four hundred weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of

compensation on account of such death the maximum sum of fourteen thousand dollars.

(b) Partial dependency shall be determined by the proportion that the amount contributed by the deceased employe bears to the total income of the dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of the accident to the employe.

(5) If death occurs as a result of the injury after a period of total or partial disability the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 9. Section 342.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be presumed to be wholly dependent upon a deceased employe:

(a) A wife upon a husband whom she had not voluntarily abandoned at the time of the accident, or who having been abandoned by her husband has not engaged in such conduct since his abandonment as would at common law constitute grounds justifying the abandonment of such wife by her husband;

(b) A husband incapacitated from wage-earning, upon a wife whom he has not voluntarily abandoned at the time of the accident to the wife; and

(c) A child or children under the age of sixteen years, or over sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living, or by whom actually supported, or from whom support is legally required, at the time of the accident.

(2) In all other cases the relation of dependency in whole

or in part shall be determined in accordance with the facts of each case existing at the time of the accident.

(3) No person shall be considered a dependent in any degree unless he is living in the household of the employe at the time of the accident, or unless such person bears to the employe the relation of father, mother, husband or wife, father-in-law or mother-in-law, grandfather or grandmother, child or grandchild, or brother or sister of the whole or half blood.

Section 10. Section 342.095 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, shall pay the employe a weekly compensation equal to seventy-five percent of his average weekly earnings, not to exceed thirty-five dollars nor less than fifteen dollars per week, such payments to be made during the period of total disability but not longer than ten years after the date of the injury nor in any case to exceed a maximum sum of fifteen thousand dollars. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of ten years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of fifteen thousand dollars.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes;

(b) The loss of both feet at or above the ankle;

(c) The loss of both hands at or above the wrist;

(d) A similar loss of one hand and one foot;

(e) A similar loss of one hand and one eye;

(f) A similar loss of one foot and one eye;

(g) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg;

(h) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 11. Section 342.100 of the Kentucky Revised Statutes is amended to read as follows:

In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, a weekly compensation equal to seventy-five percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns or is able to earn, in some suitable employement after the injury and during such disability, not to exceed four hundred and fifty weeks from the date of injury, nor exceeding the sum of thirty-five dollars per week nor the maximum sum of fourteen thousand dollars. If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability.

Section 12. Section 342.105 of the Kentucky Revised Statutes is amended to read as follows:

For injuries enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding twenty-five weeks, a weekly compensation equal to seventy-five percent of his average weekly earnings, but not less than fifteen dollars per week nor exceeding thirty-five dollars per week for the periods stated thereon.

(1) For the loss of a thumb, seventy-five percent of the average weekly wages during seventy weeks.

(2) For the loss of a first finger, commonly called the index finger, seventy-five percent of the average weekly wages during fifty-five weeks.

(3) For the loss of a second finger, seventy-five percent of the average weekly wages during forty weeks.

(4) For the loss of a third finger seventy-five percent of the average weekly wages during thirty weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, seventy-five percent of the average weekly wages during twenty-five weeks.

(6) The loss of the second, or distal phalange of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger, shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of any part or all of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add fifteen weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers or thumb as given above.

(12) For the loss of a hand, seventy-five percent of the average weekly wages during two hundred weeks.

(13) For the loss of an arm, seventy-five percent of the average weekly wages during two hundred and fifty weeks.

(14) For the loss of one of the toes, other than the great toe, seventy-five percent of the average weekly wages during twenty weeks.

(15) For the loss of the great toe, seventy-five percent of the average weekly wages during forty weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, seventy-five percent of the average weekly wages during one hundred and seventy-five weeks.

(19) For the loss of a leg, seventy-five percent of the average weekly wages during two hundred and fifty weeks.

(20) For the total and permanent loss of the sight of an eye, seventy-five percent of the average weekly wages during one hundred and fifty weeks, plus an additional thirty weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, seventy-five percent of the average weekly wages during one hundred weeks.

(22) Where the injuries to the members referred to in subsections (12), (13), (18) and (19), of this section do not require the amputation of the specific member, the permanent disability awarded shall be applied to the body as a whole, but in no event shall the total compensation for an injury to a member be less than that provided for in said subsections when computed on the basis of permanent partial disability to a member.

Section 13. Section 342.110 of the Kentucky Revised Statutes is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement or loss or impairment of speech, which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury; provided further that the provisions of this section dealing with procedure in such cases, shall apply to all cases of loss or impairment of speech pending before the Work-

men's Compensation Board in which no final award has been made by the board at the time the provisions of this section become effective.

The compensation paid therefor shall be seventy-five percent of the average weekly earnings of the employe, but not less than fifteen dollars nor more than thirty-five dollars multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding four hundred and fifty weeks nor a maximum of fourteen thousand dollars. Compensation payable under this section shall not be affected by the earnings of the employe after the accident, whether they be the same, or greater, or less than prior to the accident. Whenever the weekly payments under this section would be less than fifteen dollars per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section 14. Section 342.111 of the Kentucky Revised Statutes is amended to read as follows:

(1) When an employe, who has been awarded disability compensation by the Workmen's Compensation Board, shall die as a result of such injury prior to the payment to him of the amount of the award, then the dependents of the deceased employe shall be allowed and paid all allowed and unpaid awards made to such employe. Provided, however, that the dependents of such deceased employe shall, within six months after the death of such employe, file with the Workmen's Compensation Board, in such form as the board may require a written verified application, stating therein the date of the death of such deceased employe; the amount of such allowed and uncollected award; the name, age, post-office address, and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the company, person or insurance carrier against who such award was made; and shall fix a time and place for a hearing, of which notice shall be given, to determine the dependency of those making such claim;

and shall make an award or order for the benefit of those found to be entitled thereto. Provided, however, that the number of weekly payments to be paid to the dependents shall be the number of weeks remaining after deducting the number of weekly payments made to the decedent from the number of weeks allowed in the original award.

(2) The total amount paid and payable to the decedent and his dependents shall not exceed the amount now payable for death at the average weekly wage of the decedent at the time of his injury, and the weekly payments to the dependents shall not exceed the sum of thirty-five dollars a week.

Section 15. Section 342.185 of the Kentucky Revised Statutes is amended to read as follows:

No proceeding under this chapter for compensation for an injury or death shall be maintained unless a notice of the accident shall have been given to the employer as soon as practicable after the happening thereof and unless a claim for compensation with respect to such injury shall have been made within two years after the date of the accident, or in case of death, within two years after such death, whether or not a claim has been made by the employe himself for compensation, except as provided in KRS 342.265 and KRS 342.270. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by someone in his behalf. If payments of compensations as such have been made voluntarily the making of a claim within such period shall not be required, but shall become requisite within two years following the suspension of such voluntary payments. In cases of the disease of silicosis, caused by the inhalation of silica dust, no application for compensation shall be considered unless notice is given and claim is made within three years after the last injurious exposure to silica dust.

Section 16. Section 342.265 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the employe and employer reach an agreement conforming to the provisions of this chapter in regard to compensation, a memorandum of the agreement must be filed with the board, and, if approved by it, shall be enforceable as is herein provided for the enforcement of awards of the board. Nothing

herein shall prevent the voluntary payment of compensation in the amounts and for the periods prescribed in this chapter without formal agreement, but nothing shall operate as a final settlement except a memorandum of agreement filed with and approved by the board in accordance with this section. A medical report by one or more physicians describing the nature and extent of the employe's injuries and estimating the extent and duration of his disability must be filed with all final settlement agreements filed with the board. The board shall not approve any memorandum of agreement providing for the payment of compensation for a percentage of disability less than the percentage of disability set out in the doctor's report.

(2) Whenever an employer and employe execute any memorandum of agreement as to compensation payable under this chapter, the employer must furnish to the employe an executed copy of said memorandum of agreement, and it is mandatory that any memorandum of agreement entered into by an employer and employe must be filed with the board for its approval. Where payments of compensation are made by an employer or insurance carrier under the terms of a memorandum of agreement, but no memorandum of agreement is filed with and approved by the board, the provisions of KRS 342.185 and KRS 342.270 shall not prohibit an injured employe from filing his written application for adjustment, or motion to reopen under the provisions of KRS 342.125, at any time within the compensable period.

Section 17. That section 342.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the parties fail to reach an agreement in regard to compensation under this chapter, or if they have previously filed such an agreement with the board and compensation has been paid or is due in accordance therewith and the parties thereafter disagree, either party may make written application to the board for a hearing in regard to the matter at issue and for a ruling thereon. Such application must be filed within two years after the accident, or in case of death, within two years after such death or within two years after the cessation of voluntary payments, if any have been made. Provided, however, that if the

parties have in good faith entered into negotiations in an effort to reach an agreement, but have thereafter disagreed, such an application may be filed within two years after the disagreement, even though such disagreement occurred more than two years after the accident, or death, or cessation of voluntary payments.

(2) As soon as possible after the application has been received the board shall set the date for a hearing, to be held as soon as is practicable in view of the matter involved, and shall notify the parties at issue of the time and place of such hearing.

(3) Unless otherwise agreed to by the parties and authorized by the board, the hearing shall be held at or convenient to the place where the injury was sustained or the ground for disagreement occurred. Before directing a hearing, the board, or a member thereof or referee authorized by the board, may confer informally with the parties at issue in an attempt to assist in adjusting their differences, but may not delay the granting of a hearing, over the objection of either party, for such purpose.

Section 18. (1) The procedure with respect to the giving of notice of disability or death, and as to the filing of claims and determination thereof in occupational disease cases and the compensation and medical benefits payable for disability or death due to such disease shall be the same as in cases of accidental injury or death under the general provisions of the Workmen's Compensation Law; except that notice of disability shall be given to the employer as soon as practicable after the employe has knowledge that he has contracted such occupational disease or after the diagnosis by a licensed physician that the employe has contracted such occupational disease.

(2) Unless a claim is filed with the Workmen's Compensation Board within three years after the employe has knowledge that he has contracted such occupational disease or after the diagnosis by a licensed physician all rights to compensation for disability or death from the occupational disease shall be forever barred; provided, however, that notice of such claim shall be deemed waived in case of disability or death where the employer or his insurance carrier voluntary makes payment therefor, or, if the incurrence of the disease or the death of the employe, and

its cause was known to the employer, and provided further, that where compensation has been paid or awarded for disability or death from an occupational disease and the payments have been discontinued, the claim for further compensation must be made within one year after the last payment of compensation.

(3) "Occupational Disease" means a disease arising out of or in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where such diseases follow as an incident of an occupational disease as defined in this section.

(a) A disease shall be deemed to arise out of the employment only if there is apparent to the rational mind, upon consideration of all the circumstances, a direct casual connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause, and which does not come from a hazard to which workmen would have been equally exposed outside of the employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employe. The disease need not have been foreseen or expected but, after its contraction, it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

(b) "Injurious exposure" and "harmful quantities", where used in this Act, shall be construed as synonymous terms and shall mean that concentration of toxic material which would, independently of any other cause whatsoever, produce or cause the disease for which claim is made.

(4) Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the general provisions of this chapter and it is subsequently discovered, at any time before the final disposition of such cause, that the claim for injury, disability or death which was the basis for such application should properly have been made under the provisions of this section, then the application so filed may be amended in

form or substance or both to assert a claim for such injury, disability or death under the provisions of this section, and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this Act. When such amendment is submitted, further or additional evidence may be heard by the Board when deemed necessary. Nothing this section contains shall be construed to be or permit a waiver of any of the provisions of this Act with reference to notice or time for filing a claim, but notice of filing of a claim, if given or done, shall be deemed to be a notice of filing of a claim under the provisions of this Act, if given or done within the time required herein.

Section 19. Section 342.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees of attorneys and physicians, and all charges of hospitals under this chapter, shall be subject to the approval of the board. No attorney fees shall be allowed or approved against any party not represented by said attorney, nor shall any attorney fee be allowed or approved exceeding an amount equal to twenty percent of the amount recovered. The board may reduce an attorney's fee to an amount commensurate with the services performed, or may deny or reduce an attorney's fee upon proof of solicitation.

(2) The entire attorney's fee in a lump sum shall be paid directly to the attorney of record, and the board in allowing or approving an attorney's fee, as provided in this section, shall order the payment of same directly to the attorney, commuting sufficient of the final payments of compensation payable under the award to a lump sum for that purpose.

Section 20. Section 342.395 of the Kentucky Revised Statutes is amended to read as follows:

In the event an employer elects to operate under this chapter, then every employe of such employer, as a part of his contract for hiring or who may be employed at the time of the acceptance of the provisions of this chapter by such employer, shall be deemed to have accepted all the provisions of this chapter, including the provisions of Sections 342.015, 342.190 and 342.316,

with respect to the disease of silicosis and Section 18 of this Act with respect to occupational diseases, and shall be bound thereby unless he shall have filed prior to the injury, a written notice to the contrary with the employer. Until such notice to the contrary is so given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this chapter. Any such employe may, without prejudice to any existing right or claim, withdraw his election to reject this chapter by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing of such notice, the status of the party withdrawing shall become the same as if the former election to reject this chapter had not been made, except that withdrawal shall not be effective as to any injury sustained less than one week after the notice is filed.

By Mr. Heyburn.

H. B. No. 371. AN ACT relating to actions for settlement of estates, parties to such actions, and amending Section 395.510 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 395.510 of the Kentucky Revised Statutes is amended to read as follows:

A representative, legatee, distributee or creditor of a deceased person may, at any stage of the settlement, bring an action for the settlement of his estate, provided that no such suit shall be brought by any of the parties named except the personal representative until the expiration of six months after the qualification of such representative.

Section 2. The representatives of the decedent, and all persons having a lien upon or an interest in the property left by the decedent, or any part thereof, and the creditors of the decedent, so far as known to the plaintiff, must be made parties to the action as plaintiffs or defendants.

By Mr. Morgan, Mr. Weintraub, and Mr. Burnley.

H. B. No. 372. AN ACT relating to zoning and planning in second-class cities and in counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

As used in KRS 100.320 to 100.990, unless the context requires otherwise:

(1) "Mayor" means the chief elected official of the city whether the official designation of his office is mayor, chairman of the board of trustees or otherwise;

(2) "Legislative body" means the chief legislative body of the city, whether it is a board of aldermen, general council, board of commissioners, or otherwise;

(3) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways;

(4) "Subdivision" means the division of a tract of land into two or more divisions for the purpose, whether immediate or future, of sale for building development, and includes resubdivision;

(5) "County commissioners" means the chief administrative or legislative body of the county;

(6) "Planning area" means the city and adjoining territory which by reason of existing or impending development bears relation to the proper growth and development of the city.

(7) "Commission" means planning commission.

Section 2. Section 100.320 of the Kentucky Revised Statutes is hereby amended to read as follows:

Each city of the second class and counties containing such cities shall establish a planning commission for the planning area in accordance with the provisions of Section 3 of this Act.

Section 3. Section 100.330 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Each commission shall consist of five "city members" and two "county members." Appointive members of the commission may be paid such compensation as may be prescribed jointly by ordinance of the city and resolution of the county legislative body or bodies but compensation per member shall not exceed ten dollars for each meeting attended, nor shall any compensation be paid for meetings in excess of twenty-five during any fiscal year.

(2) The city members shall be chosen in the following manner: The mayor and supervisor of public works shall be ex officio members of the commission; the mayor shall appoint the remaining three city members who shall be residents of the city and shall hold no other city or county office.

(3) The county members shall be chosen in the following manner: The county engineer shall be an ex officio member of the commission; the remaining county member shall be chosen by the fiscal court and shall be a resident of the county outside the limits of the city holding no other city or county office. If the county has no county engineer, the fiscal court shall designate one of its members to serve in his place.

(4) The members initially appointed by the mayor shall hold office according to designation in their appointment, one of them for two years, and the others for terms of four years each, and upon the expiration of their respective terms, the successor of each shall hold his office for a term of four years. Vacancies in the offices of members appointed by the mayor shall be filled by successors appointed by the mayor for unexpired term.

(5) The county member initially chosen by the fiscal court shall hold office for a term which shall expire two years after the next elective period of the county engineer and his successors shall hold office for a term of four years. Vacancies in the office of the appointive county member shall be filled by a successor appointed by the fiscal court for the remainder of the term of office in which the vacancy has occurred.

(6) Where any ex officio member in the employment of the city or county vacates his official position he shall ipso facto vacate his office as a member of the commission. Any incumbent

otherwise qualified under this section shall hold office until his successor is chosen and qualified; provided, however, that appointed members may be removed by the appointing authority on written charges after a public hearing.

Section 4. Section 100.350 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The commission may make and adopt plans and maps of the whole or any portion of the planning area and it may make changes in the plans or maps when it deems it advisable.

(2) In the maps or plans the commission may provide among other things for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, bridges, subways, parks, playgrounds or any other public grounds or public structures or public improvements or appurtenances, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power or other purposes, and for the removal, relocation, widening, narrowing, abandonment or extension of any public ways or works or structures with a view to the systematic planning of the city and its environs.

(3) The commission may make and adopt plans for the control, development and preservation of historical landmarks, for the design and location of statuary and other works of art which are or may become the property of the city or the county, and may make recommendations to any public authorities or to any persons in the planning area concerning the location of any building, structures or works to be constructed by them.

(4) The commission may lay off and establish in the planning area zones or districts of such number, shape and area as the commission believes are best to carry out the purposes of KRS 100.320 to 100.490, and from time to time change zones or districts as to area or boundary or location. The zones or districts shall be designated by maps or plans as well as by boundaries, and the boundaries may be expressed in general descriptive terms. The commission may make and adopt maps or plans showing the zones or districts, or changes, with appropri-

ate designations, and may prescribe and enforce regulations and restrictions on the construction, alteration, repair or use of buildings, structures or land, including the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, and size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(5) All regulations and restrictions shall be uniform for each class or kind of buildings throughout each zone or district, but the regulations or restrictions in one zone or district, may differ from those in other zones or districts.

(6) The commission may enter upon lands and make examinations and surveys for the purpose of exercising its powers.

(7) The commission may make, print and publish and distribute generally copies of any plan, map, report or recommendation made by it.

Section 5. Section 100.355 of the Kentucky Revised Statutes is hereby repealed.

Section 6. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

The commission shall have the same authority to reserve land for future acquisition for public streets and recreation areas as is given to the planning commissions of third, fourth, fifth and sixth class cities by KRS 100.790 to 100.830 for streets and the same procedure for reservation, acquisition and payment provided by those sections shall be applicable.

Section 7. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) Whenever the legislative body has adopted the master plan, or any part of the master plan or amendment thereto, of the planning area or of one or more major districts thereof, no street, square, park, or other public ground, or open space or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the planning area or planned district which does not conform to the

recommendations of the plan until the location, character and extent thereof has been approved by the commission.

(2) In case of disapproval the commission shall communicate its reasons to the legislative body which may overrule the disapproval by the recorded vote of not less than a majority of its entire membership. If the public way, ground, space, building, structure or utility is one the authorization or financing of which is not within the jurisdiction of the legislative body, then the submission to the planning commission shall be by the body having jurisdiction and the commission's disapproval may be overruled by such body by a vote of not less than two-thirds of its membership. If the commission fails to set on a proposal within sixty days after submission, approval shall be conclusively presumed.

Section 8. Subsection (1) of Section 100.360 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) All plats of the subdivision of lands within the planning area, and all instruments of dedication of land for public use, shall be submitted to the commission and approved by it in writing before they are offered for record or accepted by the legislative body. The approval of the commission shall not be deemed the legislative body's acceptance of the dedication of any street or other public ground shown on the plat or set forth in the instrument.

Section 9. Subsection (2) of Section 100.360 of the Kentucky Revised Statutes is hereby amended to read as follows:

(2) No street or other public ground shown on a subdivision plat of land within the planning area shall be accepted by the city or county unless the plat and location have been approved by the commission. But the legislative body may submit to the commission an ordinance proposing to accept the dedication of any unapproved street or ground, and, if approved by the commission, the city or county may accept the dedication by a majority vote of its legislative body, or, if disapproved by the commission, the dedication may be accepted by a vote of not less than two-thirds of the legislative body.

Section 10. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) No person or his agent shall subdivide any land, before securing the approval of the planning commission, in the manner prescribed in KRS 100.360, of a plat designating the areas to be sold, and no plat of a subdivision of land within the planning area shall be recorded by the county clerk until said plat has been approved by the commission and the approval entered thereon in writing by the chairman or secretary of the commission.

(2) No subdivider owning land composing a subdivision, nor his agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has been approved as provided in KRS 100.360. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but any and all rights of such purchaser to damages, if any, are hereby preserved.

(3) The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or tranferring same shall not exempt such owner or agent from the penalties provided for in subsection (1) of KRS 100.990, or deprive the purchaser of any rights or remedies he may otherwise have.

Section 11. Section 100.370 of the Kentucky Revised Statutes is hereby amended to read as follows:

The commission may employ and discharge city and regional planners, landscape and other architects, engineers, draftsmen, clerks and other subordinates and obtain other professional services necessary for the performance of its functions.

Section 12. Section 100.420 of the Kentucky Revised Statutes is hereby amended to read as follows:

Any regulations, restrictions or boundaries established by the commission may from time to time be amended or repealed. But no change shall be made unless the change is approved by a majority vote of the entire membership of the commission and the ordinance or resolution adopting the change is approved by a vote of not less than a majority of the entire membership of the legislative body.

Section 13. Section 100.450 of the Kentucky Revised Statutes is hereby amended to read as follows:

Applications to the board of adjustment for special exception or relief by way of variance may be made by any property owner or tenant aggrieved, and appeals to said board may be taken by any property owner or tenant, or any city officer, department, board or bureau affected by any ruling of any administrative officer in the enforcement of KRS 100.320 to 100.490 or any ordinance or resolution enacted pursuant thereto.

Section 14. Subsection (1) of Section 100.460 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board of adjustment shall fix a reasonable time for the hearing of any application for special exception or variance, or for the hearing of an appeal. It shall give public notice thereof by three insertions in some daily newspaper of general circulation in said city of the second class, the first of which insertions shall be published ten days prior to the day fixed for the hearing. Upon the hearing, any party may appear in person or by agent or by attorney, and the board shall decide the application or appeal within a reasonable time.

Section 15. Subsection (1) of Section 100.470 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board of adjustment may:

(a) Adopt rules and regulations for its own government, not inconsistent with any law, city ordinance or order or resolution of the fiscal court, with reference to the plans under consideration by the board;

(b) Hear and decide appeals and applications for special exceptions;

(c) Authorize, upon application for variance, such variances from the terms of the ordinance or of any plans, rules, or regulations made thereunder, as will not be contrary to the public interest, where a literal enforcement of the provisions of the ordinance, plans, rules or regulations would result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

Section 16. Subsection (3) of Section 100.470 of the Kentucky Revised Statutes is hereby repealed.

Section 17. Subsection (5) of Section 100.980 of the Kentucky Revised Statutes is hereby amended to read as follows:

(5) A city, or the fiscal court of the county in which the city is located, or the planning commission may bring an action in the circuit court to prevent, correct or abate the unlawful erection, construction, alteration, repair, maintenance, sale or use of any building, structure or land, or to prevent any act on or about such premises, in violation of KRS 100.320 to 100.490 or any ordinance or regulation made thereunder.

Section 18. Subsection (1) of Section 100.990 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Except as otherwise specifically provided in KRS 100.031 to 100.097, or in KRS 100.980 or in this section, any person, firm, or corporation violating any provisions of KRS 100.020 to 100.970 or of any ordinance, resolution or order, or adjustment or amendment thereto, passed, adopted or approved under authority of KRS 100.020 to 100.970, or any lawful order of the commission or the board or the zoning enforcement officer, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than twenty days, or both so fined and imprisoned. Each and every day during which such violation continues shall be deemed a separate offense.

Section 19. Subsection (5) of Section 100.990 of the Kentucky Revised Statutes is hereby amended to read as follows:

(5) Any county clerk who violates the provisions of subsection (1) of Section 8 of this Act or subsection (1) of KRS 100.730 shall be fined not less than one hundred nor more than five hundred dollars.

REFERRAL OF BILLS AND RESOLUTIONS

The Clerk announced that the Committee on Committees had referred the following bill, viz:

House Bill No. 365—Education Committee

Mr. Lowman moved that the rules of the House be suspended for the purpose of having Committee Reports.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Billington, Chairman of the Committee on Insurance, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 226. AN ACT relating to qualifications of Insurance solicitors and amending section 304.534, Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Bridgers, Chairman of the Committee on Motor Transportation, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 280. AN ACT relating to transportation of malt beverages by distributors and amending KRS 243.180.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Bridgers, Chairman of the Committee on Motor Transportation, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 237. AN ACT relating to the transportation of petroleum products in bulk in tank trucks by motor vehicles, and making certain provisions of Chapter 281 of the Kentucky Revised Statutes applicable thereto.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 41. AN ACT relating to holidays.

With Committee Amendment attached thereto, as follows, Viz:

Amendment No. 1—On page 2, subsection (1), lines 12, 13 and 14—Following the words "Of each year" delete the following:

"The day of every regular primary election held under Chapter KRS 119."

With an expression that same should pass as amended.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 184. AN ACT to amend and re-enact KRS 64.620 relating to fees of court commissioners and receivers.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 16. AN ACT to provide that a prescribed percent of alcohol in the defendant's blood shall give rise to a presumption of guilt in drunken driving cases.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Dressman, Chairman of the Committee on Criminal Law, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 143. AN ACT relating to advance fees of circuit clerks, amending Section 64.030 of the Kentucky Revised Statutes.

With Committee amendment thereto attached, as follows, viz:

Amendment No. 1—On page 1, line 6, By striking the word "Fifteen" and substituting in lieu thereof the word "Ten".

With an expression that same should pass as amended.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Breathitt, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 108. AN ACT relating to evidence, amending Section 455.090 and subsection (3) of Section 421.210 KRS.

With Committee Amendments thereto as follows, viz:

Amendment No. 1—on Page 1, section 1, line 3, By striking the word "civil" and inserting in lieu thereof the word "penal".

Amendment No. 2—On page 2, section 2, lines 3 and 4, By striking the words "in an ordinary action, suit in equity" and inserting in lieu thereof the words "in any civil action."

With an expression that same should pass as amended.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Breathitt, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 130. AN ACT relating to judicial districts, creating an additional district, and making changes in the apportionment and allocation of counties of the Twenty-seventh, Thirty-fourth and Forty-first Judicial Districts, in order to com-

ply with the meaning and intent of the Constitution of the Commonwealth of Kentucky with respect to the division of the Commonwealth into judicial districts; etc.

With Committee Amendment thereto attached as follows, viz:

Amendment No. 1—On page 5, section 9, lines 21 to 29 By deleting therefrom said lines and substituting in lieu thereof the following:

Forty-first District, Leslie County, at Hyden, on the first Monday in March, first Monday in July, First Monday in November, for twenty-four juridical days each;

Clay County, at Manchester, on the first Monday in January, first Monday in May, first Monday in September for thirty juridical days each.

Jackson County, at McKee, on the second Monday in February, second Monday in October for eighteen juridical days each.

With an expression that same should pass as amended.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Hilton, Chairman of the Committee on Labor, to which same had been referred, reported a bill of the following title, viz:

H. B. No. 113. AN ACT relating to the exemption of personal property and salary, wages and income earned by labor from execution, attachment, garnishment, distress warrant and fee-bill and amending and revising Sections 427.010, 427.020, 427.030 and 42.040 of the Kentucky Revised Statutes relating thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 427.010, 427.020, 427.030 and 427.040 of the Ken-

tucky Revised Statutes are amended, revised and re-enacted to read as follows:—

The following personal property and the salary, wages and income earned by labor of a person with a family resident in Kentucky shall be exempt from execution, attachment, garnishment, distress warrant and fee-bill:

1.—One bed and bedding sufficient for each member of the family residing at the family household; carpeting for all family rooms in use; two tables; one chair for each member of the family and three additional chairs; all articles necessary for the care of infants and invalids; one sewing machine and motor for its operation; all washing apparatus; one electrical or mechanical iron or two flat irons; one refrigerating unit, mechanical or otherwise; one cooking stove; cooking utensils, china and table ware customarily used by the family; one radio not exceeding fifty dollars in value; two cabinets; heating and lighting equipment necessary in relation to the premises occupied by the family; all wearing apparel; one wedding ring; one engagement ring; one watch consistent with the claimant's station in life or vocational requirements; all books not exceeding one hundred dollars in value and cases or shelving to contain them.

2.—The following personal property also shall be exempt to such person when engaged in either of the following professions or vocations as a primary means of livelihood:

(a)—When engaged in agricultural pursuits, two work beasts and harness and gear necessary in their use; one tractor; other livestock and poultry not exceeding two hundred fifty dollars in value; provender for livestock and poultry on hand sufficient for sixty days; one wagon, cart or dray; two plows and gear; and all hand tools not exceeding twenty-five dollars in value.

(b)—To a physician, surgeon, minister, lawyer, dentist or member of a generally recognized profession the instruments, professional library, office equipment and furnishings necessary in the practice of his profession not exceeding one thousand dollars in value.

(c)—To a mechanic, the tools of his trade or vocation, not exceeding three hundred dollars in value.

(d)—One motor vehicle and its necessary accessories, including one spare tire, shall be exempt to a physician, surgeon, minister or veterinarian when reasonably necessary in the practice of his profession or vocation; or to a mechanic or other skilled artisan when primarily engaged in the replacement, repair or emergency servicing of essential mechanical, electrical or other equipment or articles in general use; or to such person when primarily engaged in the moving, transfer or tranportation of goods or other material for hire.

3. (a)—When such person is paid for his labors by the week and his earnings at the time of the service or levy of process do not exceed twenty-five dollars, exclusive of payroll deductions in the form of taxes, ninety percentum thereof shall be exempt; when, however, at such time his earnings exceed twenty-five dollars, exclusive of payroll deductions in the form of taxes, ninety percentum of the first twenty-five dollars and fifty percentum of the excess above twenty-five dollars shall be exempt.

(b)—When such person is paid bi-weekly or semi-monthly and his earnings at the time of the service or levy of process do not exceed fifty dollars, exclusive of payroll deductions in the form of taxes, ninety percentum thereof shall be exempt; when, however, at such time his earnings exceed fifty dollars, exclusive of payroll deductions in the form of taxes, ninety percentum of the first fifty dollars and fifty percentum of the excess above fifty dollars shall be exempt.

(c)—When such person is paid by the month and his earnings at the time of the service or levy of process do not exceed one hundred dollars, exclusive of payroll deductions in the form of taxes, ninety percentum thereof shall be exempt; when, however, at such time his earnings exceed one hundred dollars, exclusive of payroll deductions in the form of taxes, ninety percentum of the first one hundred dollars and fifty percentum of the excess above one hundred dollars shall be exempt.

(d)—When such person receives no fixed wage or salary but is compensated for his labors by commissions or profit allowances the aforesaid exemptions shall apply the same as if the debtor received a fixed wage or salary, in the same percentages and for the same periods of time, and when such person is

paid according to any other period than those specified he shall be entitled to the exemption of the same percentages of his earnings as herein provided in relation to the period of time for which he is paid.

(e)—As used herein "week", "bi-weekly or semi-monthly" and "month" mean, respectively, the periods for which the debtor is paid, without regard to the calendar week, weeks, or month.

4.—To a person residing in Kentucky without a family residing in Kentucky there shall be exempt from the said processes all wearing apparel, and wages or salary or income earned by labor equal to one-half the exemptions hereinabove provided.

5.—The lien created by the issuance, service or levy of process shall only apply to that portion of the personal property and earnings which is in excess of that declared to be exempt, and the court issuing a distress warrant shall determine the property exempt therefrom.

With Committee Amendment thereto by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, "week," "bi-monthly," "semi-monthly," and "monthly" mean, respectively, the periods for which the person is paid, without regard to the calendar week or month.

Section 2. Section 427.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

The following personal property of a person with a family resident in this state is exempt from execution, attachment, garnishment, distress warrant or fee-bill: One bed and bedding sufficient for each member of the family residing at the family household; carpeting for all family rooms in use; two tables; one chair for each member of the family and three additional chairs; all articles necessary for the care of infants and invalids; one sewing machine and motor for its operation; all washing apparatus; one electrical or mechanical iron or two flat irons; one refrigeration unit, mechanical or otherwise; one cooking

stove; cooking utensils, china and table ware customarily used by the family; one radio not exceeding fifty dollars in value; two cabinets; heating and lighting equipment necessary in relation to the premises occupied by the family; all wearing apparel; one wedding ring; one engagement ring; one watch consistent with the claimant's station in life or vocational requirements; books not exceeding one hundred dollars in value and cases or shelving to contain them.

Section 3. Section 427.020 of the Kentucky Revised Statutes is hereby amended to read as follows:

Two work beasts and harness and gear necessary in their use; one tractor; livestock and poultry not exceeding two hundred and fifty dollars in value; provender for livestock and poultry sufficient for sixty days feeding; one wagon, cart or dray; two plows and gear; and hand tools not exceeding twenty-five dollars in value of a person engaged in agriculture as a primary means of livelihood are exempt from execution, attachment, garnishment, distress warrant or fee-bill.

Section 4. Section 427.030 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The tools of any mechanic, necessary in his trade, not exceeding three hundred dollars in value, are exempt from execution, attachment, garnishment, distress warrant or fee-bill.

(2) One motor vehicle and its necessary accessories, including one spare tire, of a mechanic or other skilled artisan primarily engaged in the replacement, repair, or emergency servicing of essential mechanical, electrical or other equipment in general use, is exempt from execution, attachment, garnishment, distress warrant or fee-bill.

Section 5. Section 427.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

The professional library, office equipment, instruments, furnishings and one motor vehicle and its necessary accessories, including one spare tire, of a minister, attorney, physician, surgeon, veterinarian, or dentist, necessary in the practice of such profession and not exceeding one thousand dollars in value,

is exempt from execution, attachment, garnishment, distress warrant or fee-bill.

Section 6. The following salary, wages or other income of a person with a family resident in Kentucky shall be exempt from execution, attachment, garnishment, distress warrant or fee-bill:

(1) When such person is paid for his labor by the week and his earnings at the time of the service or levy of process do not exceed twenty-five dollars, exclusive of payroll deductions in the form of taxes, the sum of eighteen dollars;

(2) When such person is paid for his labor by the week and his earnings at the time of the service or levy of process exceeds twenty-five dollars, exclusive of payroll deductions in the form of taxes, the sum of eighteen dollars, plus fifty percent of the earnings in excess of twenty-five dollars;

(3) When such person is paid for his labor bi-weekly or semi-monthly and his earnings at the time of the service or levy of process do not exceed fifty dollars for such period, exclusive of payroll deductions in the form of taxes, ninety percent of such earnings; when his earnings exceed fifty dollars for such period, exclusive of payroll deductions in the form of taxes, ninety percent of the first fifty dollars plus fifty percent of the earnings in excess of fifty dollars;

(4) When such person is paid for his labor monthly and his earnings at the time of the service or levy of process do not exceed one hundred dollars, exclusive of payroll deduction in the form of taxes, ninety percent of such earnings; when his earnings exceed one hundred dollars, exclusive of payroll deductions in the form of taxes, ninety percent of the first one hundred dollars and fifty percent of the earnings in excess of one hundred dollars;

(5) When such person does not receive a fixed wage or salary, but is compensated for his labor by a commission or profit allowance, the aforesaid amounts of income shall be exempt in the same manner as if such person received a fixed wage or salary. When such person is paid according to a period other than those specified in this Act, he is entitled to exemption

of the same percentage of his earnings as prescribed in this Act in relation to the period of time for which he is paid.

Section 7. The following personal property and salary, wages or other income of a person without a family resident in Kentucky shall be exempt from execution, attachment, garnishment, distress warrant or fee-bill:

All wearing apparel, and one-half of the amount of salary, wages or other income prescribed in Section 6 of this Act.

Section 8. The lien created by the issuance, service or levy of execution, attachment, garnishment, distress warrant or fee-bill shall apply only to that portion of the personal property and salary, wages or other income which is in excess of that declared to be exempt, and the court which issues a distress warrant shall determine the property exempt therefrom.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Hilton, Chairman of the Committee on Labor, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 225. AN ACT relating to the Rights of employees. This Act shall be known as the Kentucky Right to Work Act.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

Mr. Lowman moved that the House recess for twenty minutes.

Said motion was agreed to.

Twenty minutes having expired, the Speaker resumed the chair.

Mr. Thomas P. Fitzpatrick, Chairman of the Committee on Second class Cities, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 62. AN ACT relating to juries in police courts in cities of the second class.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. L. M. Tipton Reed, Chairman of the Committee on Education, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 365. AN ACT relating to public school education; to provide for the establishment, operation, and financing of a foundation program for the public schools in the Commonwealth of Kentucky and for the apportionment, distribution, and use of the public school foundation program fund.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Second Class Cities, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 228. AN ACT relating to retired policemen in cities of the second to sixth class.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 142. AN ACT relating to the issuances of motor

vehicle operators' licenses and repealing subsection (2) of section 186.410 of the Kentucky Revised Statutes.

H. B. No. 199. AN ACT relating to sheriffs' revenue bonds.

H. B. No. 201. AN ACT relating to excise taxation of amusement admissions.

H. B. No. 203. AN ACT relating to motor vehicle liability insurance.

H. B. No. 205. AN ACT relating to property taxation.

H. B. No. 267. AN ACT relating to compensation of public officers and employees.

H. B. No. 279. AN ACT relating to unemployment insurance and amending sections 341.295, 341.350, 341.440 and 341.450 of Kentucky Revised Statutes.

H. B. No. 96. AN ACT relating to the fraudulent display of badges or organizations, and amending subsection (2) of Section 434.060 of the Kentucky Revised Statutes.

H. B. No. 214. AN ACT relating to the liability of operators of automobile parking lots or automobile storage garages for safekeeping and return of automobiles and their contents.

H. B. No. 246. AN ACT relating to the providing of facilities for circuit courts and county officers by fiscal courts in counties in which circuit court is, or may be, held at two places, and providing for the issuance of revenue bonds for the payment for construction involved therein, and amending Section 23.090 of the Kentucky Revised Statutes.

H. B. No. 196. AN ACT amending Section 189.390 of the Kentucky Revised Statutes relating to speed and parking of motor vehicles.

H. B. No. 268. AN ACT relating to and prohibiting except upon certain conditions, the damming and diverting of water from stretches of navigable streams on which are located dams of fourth-class cities which operate waterworks dependent upon such dams.

H. B. No. 180. AN ACT relating to the compensation and bond of the chief and all other appointees and employes ap-

pointed by the county judge, and granting authority for the provision of equipment and the levy and appropriation therefor, and amending Section 70.560 of the Kentucky Revised Statutes.

H. B. No. 191. AN ACT concerning the conditions of disqualification for unemployment insurance benefits.

H. B. No. 47. AN ACT relating to removal of improvements on unimproved or unproductive lots.

H. B. No. 219. AN ACT relating to sureties on bonds of city or county officers.

H. B. No. 27. AN ACT relating to compensation for court-appointed attorneys in criminal prosecutions.

H. B. No. 132. AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

H. B. No. 160. AN ACT increasing the allowance for pauper idiots.

H. B. No. 277. AN ACT relating to the compensation of certain elective state officers.

H. B. No. 176. AN ACT relating to frozen food locker plants.

H. B. No. 146. AN ACT relating to the compensation of coroners, and amending Section 64.180 of the Kentucky Revised Statutes.

H. B. No. 211. AN ACT relating to the creation of an independent state agency to be known as the Kentucky State Athletic Commission.

H. B. No. 210. AN ACT relating to county tax commissioners.

H. B. No. 192. AN ACT to amend an Act relating to signals.

H. B. No. 102. AN ACT relating to the establishment of a merit system for all county employes who are employed by fiscal courts, and officers and employes of the county police force, etc.

Mr. Harris moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 159. AN ACT relating to the terms of court in the Twenty-fourth Judicial District.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (24) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Twenty-fourth district. Johnson County, at Paintsville, on the second Monday in January, the third Monday in April, and the fourth Monday in August, twenty-four juridical days each.

Lawrence County, at Louisa, on the third Monday in February, the fourth Monday in May, and the fourth Monday in September, twenty-four juridical days each.

Martin County, at Inez, on the third Monday in March, the fourth Monday in June, and the second Monday in November, twenty-four juridical days each.

Section 2. This Act shall take effect on June 17, 1954.

Mr. Dempsey moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Dempsey moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Fred Morgan
Eddie J. Morris

Goebel W. Newsom, Jr.	Robert Reid	Will Tom Wathen
Foster Ockerman	Russell Reynolds	W. W. Webster
Louis T. Peniston	Lloyd E. Rogers	Warren D. Williams
Edward D. Pollitte	Joe Rouse	Mrs. Randolph Wilson
Roger E. Qualls	William A. Routh	T. D. Winstead
Paul T. Ratcliffe	Cecil C. Sanders	Charles W. Wirsch
Jack Raybourne, Jr.	W. R. Smith	Walker H. Wiseman
Hobart Rayburn	E. H. Stumbo	Paul E. Young
L. M. Tipton Reed	C. Waitman Taylor	
	James Treadway	—81

Resolved that the title thereof be as aforesaid.

Mr. Dempsey moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House, as follows, viz:

H. B. No. 98. AN ACT relating to annexation by a third-class city located in two or more counties.

H. B. No. 134. AN ACT relating to property taxation.

H. B. No. 115. AN ACT relating to the closing time of circuit court clerk's offices and amending section 61.160 of the Kentucky Revised Statutes.

H. B. No. 116. AN ACT relating to the manner of holding elections in cities of the second, third and fourth classes having city manager form of government, and amending subsection (1) of Section 89.460 of the Kentucky Revised Statutes.

H. B. No. 63. AN ACT relating to tax bill forms, notices to taxpayers, and amending subsection (2) of Section 133.220 of the Kentucky Revised Statutes.

Ordered that said bills be delivered to the Enrollment Committee.

H. B. No. 53. AN ACT relating to the establishment of a penalty for violation of Section 277.245 of the Kentucky Revised Statutes.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—By striking out on line 9 the word "paid" and insert in lieu thereof the word "part".

Ordered that said bill as amended be delivered to the Clerk.

A message was received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 130. AN ACT relative to the powers of first class cities.

S. B. No. 125. AN ACT Permitting the fiscal courts of counties and the governing bodies of cities to contract with each other for the performance of governmental services.

S. B. No. 111. AN ACT relating to abandoned cemeteries within cities of the first class.

S. B. No. 118. AN ACT relating to trial commissioners and judge pro tem in police courts in cities of the first class, and amending Section 26.220 of the Kentucky Revised Statutes.

S. B. No. 104. AN ACT providing for the regulation of the practice of ophthalmic dispensing; authorizing the issuance of licenses to qualified ophthalmic dispensers; creating a board to be known as the "Kentucky Board of Ophthalmic Dispensers", and conferring duties upon such board; and providing for penalties for the violation of this Act.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 287. AN ACT relating to Banks and Banking and amending KRS Section 287.180 and 287.070.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 287.180 of the Kentucky Revised Statutes is hereby amended to read as follows:

1. Banks authorized under the laws of this state may, except as provided in paragraph 2 hereof, exercise only at their principal office powers necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange and other evidences of debt, and by purchasing bonds, receiving deposits and allowing interest thereon, buying and selling exchange, coin and bullion and lending money on personal or real security.

2. Any corporation presently or hereafter engaged in the business of banking, and meeting the requirements of this paragraph, may apply to the Commissioner of Banking for permission to establish, within the city in which its principal office is located and, subject to the limitation hereinafter imposed, within the county in which its principal office is located, a branch at which all of the powers conferred in paragraph 1 may be exercised.

Before the commissioner of banking shall approve or disapprove any application made under this paragraph he shall ascertain and determine that the public convenience and advantage will be served and prompted thereby and that there is reasonable probability of the successful operation of such branch. No such branch shall be authorized or approved by the Commissioner unless all of the following are complied with:

(a) No such corporation having a combined capital and surplus of less than $100,000 shall be permitted to establish any branch. Any corporation applying for permission to establish a branch shall, be required to have a minimum combined capital and surplus for each branch applied for in accordance with the following table:

If the principal office is located in:

(i)	an unincorporated area or in a city of 7,999 population or less	$100,000
(ii)	city with population of 8,000 to 19,999	$200,000
(iii)	city with population of 19,999 and over one branch may be authorized for every $250,000 of capital and surplus.	

Said population is to be determined by the last census or any future census of the United States.

(b) No such corporation shall be permitted to establish a branch in any incorporated city (other than in the city in which its principal office is located) in which there is an existing bank. Nor shall any such corporation be permitted to establish a branch in any unincorporated area within a radius of one mile of an existing bank located in such unincorporated area. As used in this paragraph an "existing bank" shall mean the principal office of a bank as distinguished from a branch thereof.

(c) The permission to open a branch shall lapse at the end of six months unless it shall have been opened and business actually begun in good faith. For reasons determined by the Commissioner of Banking to be sufficient said permission to open a branch may be, with the approval of the Commissioner, be extended for one six month's period.

3. Any corporation which on January 1, 1954, was engaged in operating an agency or branch bank, may continue to retain and operate the same under the general banking laws.

4. The provisions of this section shall not be construed to prohibit the merger of banks in the same county and the operation by the merged corporation of such banks, nor to prohibit the sale of any bank to, and the purchase thereof by, any other bank in the same county and the operation of such bank by the purchasing bank as a branch, provided the Commissioner of Banking shall determine that the public convenience and necessity will be served by such operation, and provided further that, at the time of such merger or purchase, each of the banks involved shall have been in operation for a period of five years or more.

5. Any national banking association or any state bank member of the Federal Reserve System whose principal office is located in this state is hereby authorized to do all things and perform all acts which state banks are permitted to do or perform this section, subject to the conditions and restrictions provided for banks as to exercise of such powers.

6. When a branch or agency bank has once been established any operation thereof shall not be discontinued, and said branch or agency bank shall not be closed until and after 90 days notice in writing to the Commissioner. In the discretion of the Commissioner said branch or agency bank proposing to discontinue operation may be required to give notice of the date when such operation will cease.

7. Section 287.070 is hereby amended to read as follows:

(1) The capital stock of any financial institution mentioned in KRS 287.040 organized prior to May 31, 1938 shall be maintained in the amount required by the law in effect on May 30, 1938.

(2) The minimum capital stock of any bank or trust company organized after May 30, 1938 shall be as follows, according to the city in which it is located:

Cities of up to 7,999 population	$ 25,000
Cities of 7,999 to 19,999 population	50,000
Cities of 20,000 to 100,000 population	$100,000
Cities of over 100,000 population	$200,000

(3) The minimum capital stock of any combined bank and trust company, combined bank and real estate title insurance company or combined trust and real estate title insurance company or combined bank trust and real estate title insurance company, originated after May 30, 1938, shall be not less than twice the amount stated in subsection (2).

Mr. Young offered the following amendment and moved its adoption.

Amendment No. 1—Amend H. B. No. 287 by striking from line 54 on page 3 of the printed bill the word "be" as the same first appears in said line.

Said motion agreed to.

Said amendment adopted.

Mr. Young offered the following amendment and moved its adoption.

Amendment No. 2—Amend H. B. No. 287 by inserting after the word "perform" and before the word "this" on line 74 of page 4 of the printed bill the word "under".

Said motion was agreed to.

Said amendment adopted.

Mr. Young offered the following amendment and moved its adoption.

Amendment No. 3—Amend House Bill No. 287 by striking from line 83 on page 4 of the printed bill the numeral and period "7.".

Said motion was agreed to.

Said amendment adopted.

Mr. Young offered the following amendment and moved its adoption.

Amendment No. 4—Amend House Bill No. 287 by inserting before the figures "50,000" on page 4, line 92, of the printed bill a dollar mark as follows: "$".

Said motion was agreed to.

Said amendment adopted.

Mr. Young offered the following amendment and moved its adoption.

Amendment No. 5—Amend House Bill No. 287 by striking from page 3, line 58, of the printed bill the period following the word "laws" and inserting in lieu thereof the following: ", and the requirements set forth in this Act in respect to capital shall not apply to any such existing agency or branch bank but only as to those agency or branch banks which may be established in the future pursuant to the terms of this Act."

Said motion was agreed to.

Said amendment adopted.

Mr. Young moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Young moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Paul Cobb
R. Josh Cosby
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders

LeRoy Saylor	C. Waitman Taylor	T. D. Winstead
W. R. Smith	Eulick Walsh	Walker H. Wiseman
Mrs. Thelma L. Stovall	Will Tom Wathen	Paul E. Young
E. H. Stumbo	Warren D. Williams	
	Mrs. Randolph Wilson	—72

Those who voted in the negative were—

Charles W. Buchanan	Charles W. Craig	George R. Martin
William J. Conley	Albert Dempsey	Charles W. Wirsch
	William C. Mann	—7

Resolved that the title thereof be as aforesaid.

Mr. Young moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of Day a bill of the following title, viz:

House Bill No. 182. AN ACT relating to duties of the Kentucky Agricultural Experiment Station in regard to tobacco research, appropriating funds therefor, and amending Section 247.045 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.045 of the Kentucky Revised Statutes is amended to read as follows:

The Kentucky Agricultural Experiment Station shall carry on and extend the present program in the field of tobacco breeding, the quality characteristics, of tobacco, including nicotine content, and research and education for the control of black shank and other diseases in tobacco. For this purpose there shall be available to the Kentucky Agricultural Experi-

ment Station such sums as may, from time to time, be appropriated by the General Assembly for the purpose.

Section 2. In order to carry out the purposes of this Act during the next biennium there is hereby appropriated to the Kentucky Agricultural Experiment Station out of the General Expenditure Fund of the State Treasury, the sum of sixty thousand dollars per year for each of the fiscal years 1954-1955 and 1955-1956, without lapse in the year 1954-1955.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	Harry M. Caudill
Walter J. Bailey	J. Murray Blue	Cassius M. Clay
John Rhea Banton	J. C. Bradley	Paul Cobb
Clarence J. Barnum	Edward T. Breathitt, Jr.	William J. Conley
Wallace Bartley	Edward O. Bridgers	R. Josh Cosby
Charles E. Baumgardner, Sr.	John Young Brown	Vernor O. Cottengim
Owen Billington	Charles W. Buchanan	Charles W. Craig
		W. Marvin Davis
		John L. Day

C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—85

Those who voted in the negative were—

Albert Dempsey
George R. Martin

—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Rogers moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Rogers moved that William G. Boswell be made an honorary page.

Said motion was agreed to.

Mr. Lowman moved that H. Res. No. 32 be taken from the Orders of the Day and adopted.

Said motion was agreed to.

Said resolution was adopted, by voice vote.

Said resolution is as follows, viz:

WHEREAS, the severe drought of 1953 caused such damage to and destruction of the pastures and meadows of Kentucky as to constitute the entire state a disaster area; and

WHEREAS, the agricultural productiveness of Kentucky is of great importance to the economic welfare of the nation, and it is to the interest of the nation that such productiveness be promptly restored and the disaster conditions alleviated; NOW

THEREFORE

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate Concurring Therein:

That the Department of Agriculture of the United States be and it hereby is requested and petitioned to provide free seeds to the farmers of Kentucky for the restoration of pastures and meadows damaged or destroyed by the drought of 1953.

That the Clerk of the House of Representatives shall forthwith forward a copy of this Resolution to the Secretary of Agriculture of the United States.

Mr. Lowman moved that the vote by which said resolution was adopted be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 166. AN ACT relating to stockyards.

Said bill is as follows, viz:

This Act requires that livestock yards of Kentucky be licensed, report receipts monthly, post bond as surety for payment of livestock, bond the weighmen employed and use only the scales recognized as satisfactory for livestock marketing needs.

Only 13 of Kentucky's 75 stockyards are under regulation of the Packers and Stockyard Act of the USDA. This Act places the same basic regulations on the unregulated yards and excuses the regulated yards in instances of duplication, with the exception that they must be licensed and pay the required license fee.

Livestock produced in other states and sold through those Kentucky stockyards maintaining sanitary and disease control inspection under USDA supervision are exempt from the 1 and 3 cent per head deduction as provided in this Act.

The Act will produce revenue to support its enforcement and to aid in the enforcement of Chapter 257 — Livestock Sanitation — of KRS.

AN ACT relating to stockyards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Persons" shall include any individual, firm, association, partnership or corporation;

(2) "Department" means the Department of Agriculture, Labor and Statistics;

(3) "Commissioner" means the Commissioner of Agriculture Labor and Statistics;

(4) "Board" means the State Board of Agriculture;

(5) "Stockyards" means any livestock yard, concentration point, packing plant, or any other public place where livestock is regularly assembled for sale or exchange and is bought, sold, or exchanged at auction or upon a commission or other basis,

but, specifically, it does not include individual sales conducted by or for Future Farmers and 4-H groups, county, state or private fairs and breed or livestock associations or individual sales conducted by or for a person at which livestock of such person's ownership is sold or exchanged on his own premises;

(6) "Posted Stockyards" means stockyards regulated by the United States Secretary of Agriculture under the Packers and Stockyards Act, 1921 (42 Stat. 159) as amended and regulations promulgated under these statutes by the Secretary of Agriculture;

(7) "Owner or Operator" means persons responsible for the operation of each individual stockyards;

(8) "Sales Agency" means persons engaged in the business of buying or selling livestock on a commission basis;

(9) "Livestock" includes cattle, swine and sheep of all kinds and species.

Section 2. The department shall administer and enforce the provisions of this Act and is hereby authorized to formulate, adopt, promulgate and enforce such rules and regulations as may be necessary to carry out the provisions of this Act.

Section 3. The commissioner, with the specific approval of the board, shall employ such inspectors and other employes as are necessary for the enforcement of this Act. Their duties shall be prescribed by the commissioner and their compensation shall be determined under the provisions of KRS 64.640.

Section 4. (1) The owner or operator of a stockyards shall file annually with the department, an application for a license to operate such a business under the provisions of this Act. Such applications shall be made on forms furnished by the department and shall state fully and correctly the nature of business to be conducted at the stockyards, the correct location and post office address, and any other additional information the department may require in accordance with the provisions of this Act.

(2) The owner or operator of each stockyard shall pay an annual license fee of fifty dollars plus twenty dollars for each

scale operated in excess of one, except that this twenty dollar fee shall not be required for any scale inspected under the provisions of the Packers and Stockyards Act, 1921, (42 Stat. 159) as amended.

(3) In the case of transfer of ownership of a stockyards by purchase or otherwise, a new application must be filed with the department and a new license procured by the new owner before operation may continue.

(4) In instances where two or more stockyards are owned and operated by the same person, a separate application for a license shall be filed and an individual license procured for each stockyard.

(5) Before issuing a license the department shall determine that the applicant has satisfactorily complied with the provisions of this Act and with the applicable provisions of KRS Chapter 257.

Section 5. The owner or operator of each stockyard shall file with the department, at the beginning of each month, a sworn statement showing the exact number of each kind and species of livestock received and sold at that stockyards during the preceding month. Such statements shall be made on forms furnished by the department.

Section 6. (1) The owner or operator of each stockyard shall withhold from any money payable to the owner of livestock sold at that stockyard, a fee of one cent per head on all swine, calves under three hundred pounds, sheep and lambs, and three cents per head on all cattle three hundred pounds or over, and shall remit such fees collected to the State Treasury. Where such money is payable directly to the seller of livestock from a sales agency operating in the stockyard, said sales agency shall withhold the prescribed fees and remit such fees collected to the State Treasury.

(2) The provisions of this section shall not apply to livestock received from other states sold on a livestock market in Kentucky which maintains sanitary and disease control inspection supervised by the U.S.D.A.

Section 7. Each stockyard owner or licensee shall, during

ordinary business hours, permit any authorized representative of the department to enter his place of business and inspect any or all property in his possession or control, and all records pertaining to the business of the stockyard owner or licensee, and make copies thereof. Any necessary facilities for such inspection shall be extended to such representative by the stockyard owner or licensee.

Section 8. (1) The owner or operator of any stockyard shall furnish a bond payable to the department, as trustee for the farmer, for the protection of consignors to whom such owner or operator is unable to pay for livestock received. Said bond shall be in an amount equal to the sum of two average days' receipts and shall be for not less than two thousand dollars nor more than fifty thousand dollars plus ten percent of the excess. This section shall not apply to posted stockyards.

(2) An average day's receipts shall be the total receipts of the previous year divided by the number of sale days. In the case of a newly established stockyard the amount of initial bond required shall be determined by the board.

(3) The required bond shall not be transferable and shall be returned upon termination of operation of the stockyard to the bondee after satisfactory settlement with all consignors of livestock is made.

Section 9. All scales used in stockyards shall be of a type registering with a balance indicator. Such scales shall be tested at least every six months by a scale agency approved by the department. Certification of such scales shall be exhibited before issuance or renewal of any stockyard license. This section shall not apply to posted stockyards.

Section 10. (1) The owner or operator of a stockyards shall furnish a bond to the department in the sum of one thousand dollars with surety to be approved by the department, conditioned on the faithful performance by its weighmen of their duties. If any weighmaster willfully misrepresents or attempts to misrepresent the weight of any animal, the bond shall be forfeited and the proceeds paid into the State Treasury to be credited to the general fund. This section shall not apply to posted stockyards.

(2) All persons suffering loss imposed by the fraudulent act of such weighman may recover valid claims from said bond not to exceed the amount of bond. Payment shall be made from the general fund of the State Treasury to which said bond was credited.

(3) It shall be unlawful for any weighman to misweigh or falsely report any weights or to otherwise fraudulently manipulate scales to produce a weight other than the true and actual weight of any livestock consigned to and sold at any stockyard.

Section 11. The department, with the approval of the board, may refuse to grant, or may revoke or suspend any license issued under the provisions of this Act for any violation of the provisions of this Act or any applicable provision of KRS Chapter 257.

Section 12. All license fees and all other fees collected under this Act shall be paid into the State Treasury to the credit of a revolving fund for the use of the department in defraying the expense of enforcing the provisions of this Act and in conjunction with other funds made available for the enforcement of the provisions outlined in KRS Chapter 257.

Section 13. (1) Any person who violates any provision of section 5 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each failure to file the monthly report required by section 5 shall constitute a separate offense.

(2) Any person who violates the provisions of section 10 or who attempts by any means to induce a weighman to falsely report the weight of any animal shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one thousand dollars, or by imprisonment for not more than one year, or both.

(3) Any person who violates any provision of this Act for which no other penalty is provided, or any rule or regulation made under the authority thereof, or who refuses to pay the fees herein required, shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned for not more than three months, or both.

With Committee Amendment thereto by way of substitute as follows, viz:

Committee Substitute for House Bill No. 166. AN ACT relating to the Department of Agriculture, Labor and Statistics and providing for the licensing and regulation of livestock yards in Kentucky.

Said Committee Substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Persons" shall include any individual, firm, association, partnership or corporation;

(2) "Department" means the Department of Agriculture, Labor and Statistics;

(3) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(4) "Board" means the State Board of Agriculture;

(5) "Stockyards" means any livestock yard, concentration point, packing plant, or any other public place where livestock is regularly assembled for sale or exchange and is bought, sold or exchanged at auction or upon a commission or other basis, but, specifically, it does not include individual sales conducted by or for Future Farmers and 4-H groups, county, state or private fairs and breed or livestock associations or individual sales conducted by or for a person at which livestock of such person's ownership is sold or exchanged on his own premises;

(6) "Posted Stockyards" means stockyards regulated by the United States Secretary of Agriculture under the Packers and Stockyards Act, 1921 (42 Stst. 159) as amended and regulations promulgated under these statutes by the Secretary of Agriculture;

(7) "Owner or Operator" means persons responsible for the operation of each individual stockyards;

(8) "Sales Agency" means persons engaged in the business of buying or selling livestock on a commission basis;

(9) "Livestock" includes cattle, swine and sheep of all kinds and species.

Section 2. The department shall administer and enforce the provisions of this Act and is hereby authorized to formulate, adopt, promulgate and enforce such rules and regulations as may be necessary to carry out the provisions of this Act.

Section 3. The commissioner, with the specific approval of the board, shall employ such inspectors and other employes as are necessary for the enforcement of this Act. Their duties shall be prescribed by the commissioner and their compensation shall be determined under the provisions of KRS 64.640.

Section 4. (1) The owner or operator of a stockyards shall file annually with the department, an application for a license to operate such a business under the provisions of this Act. Such applications shall be made on forms furnished by the department and shall state fully and correctly the nature of business to be conducted at the stockyards, the correct location and post office address, and any other additional information the department may require in accordance with the provisions of this Act.

(2) The owner or operator of each stockyard shall pay an annual license fee of twenty-five dollars plus ten dollars for each scale operated in excess of one.

(3) In the case of transfer of ownership of a stockyards by purchase or otherwise, a new application must be filed with the department and a new license procured by the new owner before operation may continue.

(4) In instances where two or more stockyards are owned and operated by the same person, a separate application for a license shall be filed and an additional license procured for each stockyard.

(5) Before issuing a license the department shall determine that the applicant has satisfactorily complied with the provisions of this Act and with the applicable provisions of KRS Chapter 257.

Section 5. The owner or operator of each stockyard shall file with the department, at the beginning of each month, a

sworn statement showing the exact number of livestock received and sold at that stockyards during the preceding month. Such statements shall be made on forms furnished by the department.

Section 6. Each stockyard owner or licensee shall, during ordinary business hours, permit any authorized representative of the department to enter his place of business and inspect any or all property in his possession or control, and all records pertaining to the business of the stockyard owner or licensee, and makes copies thereof. Any necessary facilities for such inspection shall be extended to such representative by the stockyard owner or licensee.

Section 7. (1) The owner or operator of any stockyard shall furnish a bond payable to the department, as trustee for the farmer, for the protection of consignors to whom such owner or operator is unable to pay for livestock received. Said bond shall be in an amount equal to the sum of two average days' receipts and shall be for not less than two thousand dollars nor more than fifty thousand dollars. This section shall not apply to posted stockyards.

(2) An average day's receipts shall be the total receipts of the previous year divided by the number of sale days. In the case of a newly established stockyard the amount of initial bond required shall be determined by the board.

(3) The required bond shall not be transferable and shall be returned upon termination of operation of the stockyard to the bondee after satisfactory settlement with all consignors of livestock is made.

Section 8. All scales used in stockyards shall be of a type registering with a balance indicator. Such scales shall be tested at least every six months by a scale agency approved by the department. Certification of such scales shall be exhibited before issuance or renewal or any stockyard license. This section shall not apply to posted stockyards.

Section 9. (1) The owner or operator of a stockyards shall furnish a bond to the department in the sum of one thousand dollars with surety to be approved by the department, conditioned on the faithful performance by its weighman of

their duties. If any weighmaster willfully misrepresents or attempts to misrepresent the weight of any animal, the bond shall be forfeited and the proceeds paid into the State Treasury to be credited to the general fund. This section shall not apply to posted stockyards.

(2) All persons suffering loss imposed by the fraudulent act of such weighman may recover valid claims from said bond not to exceed the amount of bond. Payment shall be made from the general fund of the State Treasury to which said bond was credited.

(3) It shall be unlawful for any weighman to misweigh or falsely report any weights or to otherwise fraudulently manipulate scales to produce a weight other than the true and actual weight of any livestock consigned to and sold at any stockyard.

Section 10. The department with the approval of the board, may refuse to grant, or may revoke or suspend any license issued under the provisions of this Act for any violation of the provisions of this Act or any applicable provision of KRS Chapter 257.

Section 11. All license fees and all other fees collected under this Act shall be paid into the State Treasury to the credit of a revolving fund for the use of the department in defraying the expense of enforcing the provisions of this Act and in conjunction with other funds made available for the enforcement of the provisions outlined in KRS Chapter 257.

Section 12. There hereby is appropriated for each of the fiscal years 1954-1955 and 1955-1956, to the Department of Agriculture, Labor and Statistics, the sum of fifty thousand ($50,000) dollars, to be used and expended by the Department in administration of this Act.

Section 13. (1) Any person who violates any provision of Section 5 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each failure to file the monthly report required by Section 5 shall constitute a separate offense.

(2) Any person who violates the provisions of Section 9 or

who attempts by any means to induce a weighman to falsely report the weight of any animal shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one thousand dollars, or by imprisonment for not more than one year, or both.

(3) Any person who violates any provision of this Act for which no other penalty is provided, or any rule or regulation made under the authority thereof, or who refuses to pay the fees herein required, shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned for not more than three months, or both.

On motion of Mr. Jones, the Committee Substitute for House Bill No. 166 was adopted by voice vote.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 1—On page 4, section 7, line 7, By deleting therefrom said line and inserting in lieu thereof the following: "more than ten thousand dollars".

Said motion was agreed to.

Said amendment adopted.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 2.—On page 4, section 7, line 5, By deleting therefrom the phrase "the sum of two" and inserting in lieu thereof the words "one-half an".

Said motion was agreed to.

Said amendment adopted.

Mr. Jones offered the following amendment and moved its adoption.

Amendment No. 3—On page 6, By adding thereto, as Section 14 of the Act, the following: "Section 14. The provisions of this Act shall not apply to posted stockyards."

Said motion was agreed to.

Said amendment adopted.

Mr. Jones moved the Previous Question.

Whereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Jones moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Chester J. Holsclaw
William M. Horn
William L. Jones
George H. Lovelace
Harry King Lowman
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Foster Ockerman

Louis T. Peniston	Cecil C. Sanders	Mrs. Randolph Wilson
Roger E. Qualls	LeRoy Saylor	T. D. Winstead
Paul T. Ratcliffe	Mrs. Thelma L. Stovall	Walker H. Wiseman
Jack Raybourne, Jr.	James Treadway	Dr. Clyde D. Wooton
Hobart Rayburn	Eulick Walsh	Paul E. Young
Robert Reid	Will Tom Wathen	
Lloyd E. Rogers	W. W. Webster	
Joe Rouse		—67

Those who voted in the negative were—

Wallace Bartley	Varna Holt	Edward D. Pollitte
Charles W. Buchanan	Talmage Lacy	Russell Reynolds
Charles W. Craig	Ralph E. McClanahan	W. R. Smith
Albert Dempsey	Caleb McFadden	E. H. Stumbo
David Heskamp	William J. Marcum	Warren D. Williams
Estill R. Hilton	George R. Martin	Charles W. Wirsch
		—18

Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 241. AN ACT relating to compensation of County Officers and Employes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order to remove doubt as to the meaning of KRS 64.720 and to restate its meaning in clear terms, said section is amended to read as follows:

The fiscal court may authorize payment of compensation out of the county treasury to the county judge and the county attorney, and to any other county officer or employe specifically

provided for by law, except elective officers who receive compensation from fees and the deputies of the latter officers.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Wathen moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Buchanan	Addison L. Everett
Walter J. Bailey	Harry M. Caudill	Herbert Fern
John Rhea Banton	Cassius M. Clay	Thomas P. Fitzpatrick
Clarence J. Barnum	Paul Cobb	W. L. Hadden
Wallace Bartley	William J. Conley	C. Ruby Harralson
Charles E. Baumgardner, Sr.	R. Josh Cosby	George F. Harris
Owen Billington	Charles W. Craig	Harold G. Helm
Leo A. Bleemel	W. Marvin Davis	David Heskamp
J. Murray Blue	John L. Day	Henry R. Heyburn
J. C. Bradley	Albert Dempsey	Lon C. Hill
Edward T. Breathitt, Jr.	C. E. Dowell	Estill R. Hilton
Edward O. Bridgers	James A. Dressman, Jr.	Chester J. Holsclaw
John Young Brown	O. O. Duncan	Varna Holt
	Harold Edmonds	William M. Horn
		Jennings H. Kearby

Talmage Lacy	Walter R. Moorman	W. R. Smith
Harry King Lowman	Fred Morgan	Mrs. Thelma L. Stovall
Shelby McCallum	Eddie J. Morris	E. H. Stumbo
Ralph E. McClanahan	Foster Ockerman	Eulick Walsh
Caleb McFadden	Louis T. Peniston	Will Tom Wathen
William E. Maglinger	Edward D. Pollitte	W. W. Webster
Damon Majors	Roger E. Qualls	William B. Wells
William C. Mann	Paul T. Ratcliffe	Warren D. Williams
William J. Marcum	Jack Raybourne, Jr.	Mrs. Randolph Wilson
George R. Martin	Hobart Rayburn	T. D. Winstead
Carl D. Melton	L. M. Tipton Reed	Charles W. Wirsch
Alton B. Mitchell	Robert Reid	Walker H. Wiseman
Tom Mobley	Russell Reynolds	Dr. Clyde D. Wooton
Robert K. Montgomery	Joe Rouse	Paul E. Young
	William A. Routh	
	Cecil C. Sanders	
	LeRoy Saylor	—87

Resolved that the title thereof be as aforesaid.

Mr. Wathen moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Hilton moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Hilton moved that H. B. No. 113 be recommitted to the committee to which it had previously been referred.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 284. AN ACT relating to the registration and licensing of the termite and pest control industry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Board" means the State Board of Agriculture;

(4) "Insect" means all arthropods, mollusks, and annelid worms, except those producing disease in man;

(5) "Robent" means the order rodentia and other pestiferous vertebrate animals;

(6) "Termite" means termite as commonly used as well as other cellulose-destroying organisms of all types;

(7) "Owner" means any individual, firm, partnership, corporation, organization, association, or any combination thereof who own a business for the purpose of applying or using insecticides, fungicides, or rodenticides for the control of termites, rodents, or insects, or who for hire or compensation owns a business for controlling, destroying, preventing, repelling, inspecting for or identifying insects, rodents, or termites, or offering advice regarding control methods of sanitation procedures relative to insects, rodents, or termites. Excluded under these definitions are textile manufacturers, cleaners, or furriers who treat fabrics or furs in their place of business exclusively.

Section 2. Any owner who conducts a business for the purpose of applying insecticides, fungicides, or rodenticides for the control of termites, rodents or insects shall register with the department, on a form to be supplied by the department, before such owner shall engage in any such business in Kentucky. Every owner shall register annually and shall pay an annual fee of one hundred dollars for each place of business maintained in Kentucky during the year. The registration and annual fee shall also be paid by any owner maintaining a place

of business outside Kentucky but who engages in business within Kentucky. Every nonresident owner shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of this Act or any liabilities arising from the operations hereunder. Every owner, or his designated representative, at the time of his initial registration, shall be required to pass a reasonable examination to be prescribed by the commissioner before a license shall be issued, but any holder of a license shall not be required to take additional examinations at the time of the annual license renewal unless his license has previously been revoked or unless he applies to be licensed in one or more additional fields of operation. Any owner, however, who furnishes sufficient written proof to the department that he was regularly engaged in business as an owner in Kentucky continuously during the two-year period prior to the effective date of this Act, shall not be required to take an examination for his license but shall be subject to the other requirements. In addition, the owner shall designate one or more persons responsible for the work conducted under the provisions of this Act. The license shall be issued by the board upon compliance with the requirements. Only one license shall be required for each owner at any one place of business for any or all fields of operation.

Section 3. The board shall have the power to promulgate reasonable rules and regulations concerning the following matters:

(1) Standards of application and workmanship;

(2) Proper health and safety precautions;

(3) Requirements for contractual responsibilities and fulfillment of agreements;

(4) Proof of financial responsibility;

(5) Furnishing of reports and information necessary for the department to carry out the provisions of this Act;

(6) Fields of operations for which licenses may be issued.

Section 4. Before any rules or regulations are adopted or amended the commissioner shall set a time and place for a public

hearing before him or his representative, and shall cause at least fifteen days notice of the hearing to be given and shall cause to be set out in the notice the matters to be considered.

Section 5. The department's authorized representatives shall have authority to enter upon public and private premises for purposes of inspection.

Section 6. (1) A license may be revoked for just causes as hereinafter provided at any time after a hearing before the commissioner upon written complaint made by any person, firm, or corporation for whom work has been performed. The owner of such license shall be given notice in writing not less than fifteen days prior to the date of such hearing, sent by registered mail to the owner to the address shown by the records of the department.

(2) The grounds for the revocation of a license shall be as follows:

(a) If the owner or any regular employe, solicitor, agent, or representative of the owner shall make any material misrepresentations for the purpose of defrauding any member of the public or shall use any methods or materials which are not reasonably suitable for the purposes for which they are employed or provided.

(b) If the owner shall fail to pay any final judgment rendered against any owner or any regular employe, solicitor, agent, or representative of said owner by reason of liabilities resulting from activities under this Act.

(c) If the owner against whom complaint is registered shall refuse to provide the Department with reasonable complete and accurate information regarding methods or materials used or work performed as requested.

Section 7. A license shall not be transferable. When there is a change in the business status of the owner or designated representative operating under a license, the owner, whether it be an individual, firm, partnership, association, or corporation or any combination thereof, shall have ninety days within which time to register an owner or designated representative to qualify

under the provisions of this Act. However, in the event of the death of an individual owner, his heirs or representatives shall be allowed a minimum of ninety days in which to register an owner or designated representative to qualify under the provisions of this Act. Except as provided elsewhere in this Act, the owner or his designated representative must be qualified under the provisions of this Act by having passed the appropriate examination and obtaining a license.

Section 8. The Commissioner shall notify any applicant or owner by registered mail of any decision of the board to refuse to grant a license or to revoke a license within ten days after such decision, and the applicant or owner shall have thirty days after such notification within which to petition the Commissioner for a rehearing. The Commissioner shall within ten days after the said rehearing notify the applicant or owner of its decision, and if the decision be unfavorable, said applicant or owner shall have thirty days within which to appeal such decision to the circuit court of the county in which he resides or maintains his principal place of business. If an owner takes such appeal within the time herein provided, the revocation by the board shall not become final until finally adjudicated, however the board may require the posting of a reasonable and appropriate bond pending final adjudication.

Section 9. This Act shall not apply to any individual working on his own premises, or to regularly employed wage hands working thereon, or to aerial applicators holding a valid permit from the Department of Aeronautics.

Section 10. The monies received from the license fees collected by the department hereunder shall be deposited in the State Treasury to the credit of the General Fund.

Section 11. Any person violating any of the provisions of this Act shall upon conviction thereof be guilty of a misdemeanor. Each separate violation of this Act shall be a separate misdemeanor, punishable by a fine of not more than five hundred dollars nor more than one year in jail, or both.

Section 12. Whereas, the lack of adequate control of the

use of insecticides, fungicides and rodenticides has proved dangerous to human health and welfare, and

Whereas, it is now imperative that the use of such chemicals be immediately controlled, now

Therefore, an emergency is declared to exist and this Act shall be in full force and effect immediately upon its passage and approval by the Governor.

Mr. Heyburn offered the following amendment and moved its adoption.

Amendment No. 1—On page 3, section 2, line 24, delete the word "two" and insert in its place the word "one".

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	J. C. Bradley
Walter J. Bailey	Owen Billington	Edward T. Breathitt, Jr.
John Rhea Banton	Leo A. Bleemel	Edward O. Bridgers
Clarence J. Barnum	J. Murray Blue	John Young Brown

Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
LeRoy Saylor
W. R. Smith
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed to be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 254. AN ACT relating to the organization and government of cities of the first class.

Said bill is as follows, viz;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 83.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be the following executive departments in cities of the first class: A department of public works, a department of public safety, a department of public finance, a department of public welfare, a department of public parks and recreation, a department of law, a department of traffic engineering, a department of sanitation and a department of building and housing inspection. The board of aldermen of any city of the first class, whenever, in its opinion, necessary and proper for the efficient administration of governmental matters of such city and the performance of the duties enjoined upon such city, may by ordinance establish one or more additional executive departments. The board of aldermen shall designate the duties and powers of departments so established by ordinance and, notwithstanding the provisions of any statute to the contrary, may transfer to any such department duties and powers assigned and granted by statute to one or more of the executive departments established by this section. Each executive department, whether established by this section or by ordinance, shall have the powers provided for in and be governed by the general provisions of KRS 61.250, 83.180 to 83.300, 91.120, 91.280 and 91.300 and shall be under the supervision and direction of a director who shall be appointed by the mayor, and the said directors of departments so appointed shall be removable at any time at the pleasure of the mayor so appointing them, or of any of his successors in office, but not by any officer who may merely for the time be filling the office of mayor in the absence or during the temporary disability of the regularly elected or appointed mayor. The directors of said departments shall have the same qualifications as members of the legislative body of said cities and shall be selected for their special fitness for the work of the said departments, and shall give and devote their entire time to the discharge of their duties and shall receive adequate compensation to be fixed by ordinance. No member or officer of the legislative body shall be eligible to appointment as director of

any department. The said directors shall hold office until they resign or are removed as herein provided.

Section 2. The department of sanitation shall have exclusive control, under city ordinances, of all matters pertaining to the collection and disposal of public or private means of garbage, waste, rubbish and other refuse within such city, the cleaning of the public ways within such city, and such other matters as are placed under its control by ordinance.

Section 3. The department of building and housing inspections shall have control, under city ordinances, of the enforcement of zoning ordinances and ordinances regulating matters connected with the construction, reconstruction and alteration of buildings and structures, the enforcement, solely or in cooperation with other public authorities and city departments, of ordinances regulating health, sanitary and general living conditions and the prevention of fire in houses, dwellings and buildings and regulating and providing for the rehabilitation of blighted and slum areas, the inspection, repair, closing and demolition of unfit dwellings, and such other matters as may be placed under its control by ordinance. The department, for administrative purposes, may be divided into such divisions as may be found necessary for the proper and efficient performance of the duties of the department.

Section 4. Section 93.050 of the Kentucky Revised Statutes is amended to read as follows:

The department of public works shall, except as otherwise provided by law, have exclusive control of the construction, reconstruction, repairing, platting, improving, and use of all public ways, market houses, bridges, sewers, drains, wells, cisterns, ditches, culverts, canals and streams, and other matters provided by statute, or by ordinance not inconsistent with this chapter.

Mr. Bridgers offered the following amendment and moved its adoption.

Amendment No. 1—On page 3, section 2, line 3, by deleting the first "of" in line 3 and substituting therefor the following word: by

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger

Damon Majors	Paul T. Ratcliffe	C. Waitman Taylor
William C. Mann	Jack Raybourne, Jr.	Eulick Walsh
George R. Martin	Hobart Rayburn	Will Tom Wathen
Carl D. Melton	L. M. Tipton Reed	W. W. Webster
Tom Mobley	Robert Reid	William B. Wells
Robert K. Montgomery	Russell Reynolds	Warren D. Williams
	Lloyd E. Rogers	Mrs. Randolph Wilson
Walter R. Moorman	Joe Rouse	
Fred Morgan	William A. Routh	T. D. Winstead
Eddie J. Morris	Cecil C. Sanders	Charles W. Wirsch
Thomas J. Murphy	W. R. Smith	Walker H. Wiseman
Foster Ockerman	Mrs. Thelma L. Stovall	Dr. Clyde D. Wooton
Edward D. Pollitte		Paul E. Young
Roger E. Qualls	E. H. Stumbo	—83

Those who voted in the negative were—

Albert Dempsey	William J. Marcum	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 256. AN ACT concerning the finance and revenue of cities of the first class and agencies thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of alderman, in its annual levy of taxes, shall make such separate levies as are required by law or as the board deems necessary or desirable, and a general levy in such amount as in its judgment is necessary and advisable.

The amounts levied shall be collected and paid to the city, the amount of each separate levy being carried to the credit of the agency for which levied, and the amount of the general levy being credited to the general fund of the city. The amount of any separate levy to be credited to any agency shall not be diverted from it, or used for any purpose other than that specified by the levy, but shall, except as otherwise provided by law, remain as a separate fund in the hands of the director of finance.

(2) In the ordinance or ordinances fixing the tax rates for any year, the board of alderman shall subdivide the levy as follows:

(a) Separate levies for each agency for which a separate levy is to be made.

(b) A general levy for general city purposes.

The board of aldermen shall cause the foregoing levies to be made for the purposes stated, by the ordinance or ordinances fixing the tax rates each year.

(3) If in any year the board of aldermen fails to pass a levy ordinance or ordinances, or if the levy ordinance or ordinances is or are invalid or inoperative, the rates of taxation for that fiscal year shall be the same as for the year before, item for item.

Section 2. Section 90.230 of the Kentucky Revised Statutes is amended to read as follows:

The legislative body of each city of the first class is hereby empowered and authorized to pass such ordinances and provide such appropriations as are necessary to effectuate the purposes of KRS 90.110 to 90.240.

Section 3. Subsection (1) of section 95.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city legislative body in cities of the first class may enact ordinances providing for a system of pensions for retired and disabled members of the police and fire divisions of the department of public safety and their dependents, may appropriate funds for the purpose of paying such pensions, may allot and pay to the policemen's pension fund or the firemen's pension

fund or either or both of them all fines and forfeitures imposed upon members of the respective divisions, and may provide for, assess and collect contributions from the members for the benefit of the fund.

Section 4. Section 97.700 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide sufficient funds for maintaining the memorial and for carrying on the work of the commission the city legislative body shall annually appropriate from the general fund of the city such sums as in the judgment of the legislative body shall, when supplemented by any funds received by the commission from gifts or earnings of the memorial, be reasonably necessary for such purposes. All monies so appropriated may be paid over to the commission by the director of finance of such city in regular monthly installment. If it appears from the report or statement of the commission that funds received by gift or from earnings of the memorial, available for maintenance of the memorial for any fiscal year, are fully adequate for the purpose, the appropriation for such year may be withheld by the legislative body.

Section 5. Section 97.710 of the Kentucky Revised Statutes is amended to read as follows:

Except with the approval of the city legislative body, the commission shall not incur for maintenance purposes of the memorial, or permit the incurrence of, any liability or expense exceeding the total funds derived or to be derived for any fiscal year by appropriation from the city for such year, supplemented by income from the memorial and by donations in money or property reduced to money made to the commission for maintenance purposes.

Section 6. Section 97.720 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal year of the commission shall be the same as that of the city. The commission shall, each May, prepare and certify to the mayor, to be by him transmitted to the legislative body, a statement showing the total funds that, in the judgment of the commission, will be needed for maintaining the memorial

for the ensuing fiscal year; setting forth in detail the sums needed for the different classes of expenditure; setting forth the estimated balance that will be on hand on the first of July following the certification of the statement and available for expenditure during the ensuing fiscal year for maintenance purposes; and indicating, as nearly as possible, what additional assets other than those derived from the city appropriation will become available for maintenance purposes for the ensing fiscal year.

(2) The legislative body, in making the appropriation for maintenance purposes, shall take into consideration the amount of funds held or derived by the commission from donations for maintenance purposes. The commission may set aside and retain from year to year, out of the maintenance funds derived by gift or appropriation, a reasonable fund to be known as an "improvement and replacement fund," to cover needed improvements, rereplacements and equipment for, and depreciation of, the memorial. The funds shall be placed at interest in a bank of the city, with the mayor's approval, or invested in United States government interest-bearing bonds, or bonds of the city or any of its instrumentalities. The amount set aside each year for such purposes shall be made with the approval of the mayor, and shall be held and used as occasion requires as a further memorial buildings and improvement fund to improve and further equip the memorial, and for replacement purposes if the memorial or any portion of it is destroyed by casualty or decay. The cost of ordinary repairs shall be paid for out of maintenance funds.

Section 7. Subsection (1) of section 173.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to provide funds for the establishment and maintenance of a library established as provided in KRS 173.030, the legislative body of a city of the first class shall annually appropriate from the general fund of the city such sum as in the judgment of the legislative body shall be reasonably necessary for such purposes. Monies so appropriated shall be credited to the library fund of the city, and may be paid over to the board of trustees by the director of finance of such city in regular monthly installments.

Mr. Barnum offered the following amendment and moved its adoption.

Amendment No. 1—On page 5, section 6, line 31, by deleting the word "buildings" and substituting in lieu thereof the following word: building

Said motion was agreed to.

Said amendment adopted.

Mr. Barnum offered the following amendment and moved its adoption.

Amendment No. 2—On page 2, section 3, line 5 by deleting the word "division" and substituting therefor the following: divisions

Said motion was agreed to.

Said amendment adopted.

Mr. Barnum offered the following amendment and moved its adoption.

Amendment No. 3—On page 5, section 6, line 24, by deleting the prefix "re" and hyphen following same immediately preceding the word replacements.

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Albert Dempsey William J. Marcum —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 190. AN ACT relating to expenses of operating motor vehicles used by county officers and employees in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The fiscal court of any county containing a city of the first class may authorize any officer or employee of the county to use his own motor vehicle in the discharge of his official duties, and when any such officer or employee incurs any expense incident to traveling in his own motor vehicle, while on official business of the county, the amount allowed for such expense may be fixed by the fiscal court not to exceed ten cents per mile over the nearest traveled route over which he has traveled, which sum shall include depreciation and investment charges incident to the operation of the motor vehicle.

With Committee Substitute attached thereto as follows, viz:

AN ACT relating to expenses of operating motor vehicles used by county officers and employes in counties containing a city of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever the fiscal court of any county containing a city of the first class is authorized by law to furnish a motor vehicle

to any officer or employe of the county, the fiscal court may permit such officer or employe to use his own motor vehicle in the discharge of his official duties, and whenever any such officer or employe incurs any expense incident to traveling in his own motor vehicle, while on official business, the amount allowed for such expense may be fixed by the fiscal court.

Mr. Lowman moved that Committee Substitute be adopted in lieu of H. B. No. 190.

Said motion was agreed to by voice vote.

Said Committee Substitute was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	John Young Brown
Walter J. Bailey	Leo A. Bleemel	Charles W. Buchanan
Clarence J. Barnum	J. Murray Blue	Harry M. Caudill
Wallace Bartley	J. C. Bradley	Paul Cobb
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	William J. Conley
	Edward O. Bridgers	R. Josh Cosby

Vernor O. Cottengim	Shelby McCallum	L. M. Tipton Reed
Charles W. Craig	Ralph E. McClanahan	Robert Reid
John L. Day	Caleb McFadden	Russell Reynolds
C. E. Dowell	William E. Maglinger	Lloyd E. Rogers
James A. Dressman, Jr.	Damon Majors	Joe Rouse
Harold Edmonds	William C. Mann	William A. Routh
Addison L. Everett	George R. Martin	Cecil C. Sanders
Herbert Fern	Carl D. Melton	W. R. Smith
W. L. Hadden	Tom Mobley	Mrs. Thelma L. Stovall
George F. Harris	Robert K. Montgomery	E. H. Stumbo
Harold G. Helm	Walter R. Moorman	C. Waitman Taylor
David Heskamp	Fred Morgan	Eulick Walsh
Henry R. Heyburn	Eddie J. Morris	Will Tom Wathen
Lon C. Hill	Thomas J. Murphy	W. W. Webster
Estill R. Hilton	Foster Ockerman	William B. Wells
Chester J. Holsclaw	Louis T. Peniston	Warren D. Williams
Varna Holt	Edward D. Pollitte	Mrs. Randolph Wilson
William M. Horn	Roger E. Qualls	T. D. Winstead
William L. Jones	Paul T. Ratcliffe	Charles W. Wirsch
Jennings H. Kearby	Jack Raybourne, Jr.	Walker H. Wiseman
Talmage Lacy	Hobart Rayburn	Dr. Clyde D. Wooton
James W. Lambert		Paul E. Young
Harry King Lowman		

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Those who voted in the negative were—

Albert Dempsey William J. Marcum —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 255. AN ACT relating to the regulation of buildings, dwellings and structures by cities of the first class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order to protect the health, safety and general welfare of its citizens and the public at large, a city of the first class may enact and enforce ordinances regulating the construction, reconstruction, alteration, maintenance, sanitation, sanitary facilities, inspection, rehabilitation, safety and control of, and the prevention of fire in, buildings, dwellings and structures of all types and descriptions, whether used for human habitation or otherwise, within such city.

Section 2. Sections 101.010, 101.020, 101.030, 101.040, 101.050, 101.060, 101.070, 101.080, 101.090, 101.100, 101.110, 101.120, 101.130, 101.140, 101.150, 101.160, 101.170, 101.180, 101,190, 101.200, 101.210, 101.220, 101.230, 101.240, 101.250, 101.260, 101.270, 101.280, 101.290, 101.300, 101.310, 101.320, 101.330, 101.340, 101.350, 101.360, 101.370, 101.380, 101.390, 101.400, 101.410, 101.420, 101.430, 101.440, 101.450, 101.460, 101.470, 101.480, 101.490, 101.500, 101.510, 101.520, 101.530, 101.540, 101.550, 101.560, 101.570, 101.580, 101.590, 101.600, 101.610, 101.620, 101.630, 101.640, 101.650, 101.660, 101.670, 101.680, 101.690, 101.700, 101.710, 101.720, 101.730, 101.740, 101.750, 101.760, 101.770, 101.780, and 101.990 of the Kentucky Revised Statutes are repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Albert Dempsey William J. Marcum —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 257. AN ACT relating to the finance and revenue of boards of registration commissioners of cities of the first class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 117.705 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to meet the expenses of the board of registration commissioners, the legislative body of each city of the first class shall annually appropriate from the general fund of the city such sums as in the judgment of such legislative body shall be reasonably necessary for such purposes. Funds so appropriated may be paid over to such board by the director of finance of such city in regular monthly installments and shall be receipted for by the board.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Resolved that the title thereof be as aforesaid.

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor

Eulick Walsh	Warren D. Williams	Charles W. Wirsch
Will Tom Wathen	Mrs. Randolph Wilson	Walker H. Wiseman
W. W. Webster		Dr. Clyde D. Wooton
William B. Wells	T. D. Winstead	Paul E. Young

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Those who voted in the negative were—

Albert Dempsey William J. Marcum —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 258. AN ACT relating to the finance and revenue of municipal universities in cities of the first class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. Section 165.030 of the Kentucky Revised Statutes is amended to read as follows:

The board of aldermen of a city of the first class having a municipal university may make an annual appropriation from the general fund of the city for the support of such university. Such appropriation shall be such sum as in the judgment of the board of aldermen shall, when supplemented by other income of the university, be reasonably necessary for such purposes.

Section 2. Section 165.040 of the Kentucky Revised Statutes is amended to read as follows:

The funds appropriated by the board of aldermen of a city of the first class as provided in KRS 165.030 may be paid to the treasurer of the university by the director of finance of the city in regular monthly installments.

Section 3. Section 165.050 of the Kentucky Revised Statutes is amended to read as follows:

The board of aldermen of a city of the first class having a municipal university may devote to university purposes funds derived from other sources as well as from taxes levied for general city purposes.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	Charles W. Craig
Walter J. Bailey	Edward O. Bridgers	John L. Day
Clarence J. Barnum	John Young Brown	C. E. Dowell
Wallace Bartley	Charles W. Buchanan	James A. Dressman, Jr.
Charles E. Baumgardner, Sr.	Harry M. Caudill	Harold Edmonds
Owen Billington	Paul Cobb	Addison L. Everett
Leo A. Bleemel	William J. Conley	Herbert Fern
J. Murray Blue	R. Josh Cosby	W. L. Hadden
J. C. Bradley	Vernor O. Cottengim	George F. Harris
		Harold G. Helm

David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—83

Those who voted in the negative were—

Albert Dempsey
William J. Marcum

—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill. No. 259. AN ACT relating to tax levies and appropriations by cities for the maintenance, operation and improvement of park and recreational areas acquired under Section 97.060 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 97.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city except a city of the first class may provide funds for the maintenance, operation and improvement of any area acquired under KRS 97.060 by the levy of a tax or by appropriation from the general fund of the city, and may accept donations from private persons or governmental agencies for such purposes.

(2) Any city of the first class may provide funds for the maintenance, operation and improvement of any area acquired under KRS 97.060 by appropriation from the general fund of the city, and may accept donations from private persons or governmental agencies for such purposes.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—83

Those who voted in the negative were—

Albert Dempsey
William J. Marcum
—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 260. AN ACT relating to the finance and revenue of joint city-county boards of health of cities of the first class and counties containing such cities.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. Sction 212.470 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide sufficient funds for carrying out the purposes of KRS 212.350 to 212.620, the fiscal court of the county shall annually appropriate money from the general fund of the county and the legislative body of the city shall annually appropriate money from the general fund of the city. The appropriations shall be made by the county and the city in such amounts, in such proportion and upon such terms as the fiscal court and the legislative body may agree and provide. Monies so appropriated may be paid over to the board in regular monthly installments. In the event the sums derived from said appropriations, together with funds otherwise available from any other source to the board during any fiscal year, for its necessary expenditures in the maintenance and operation of said board, exceed its need for such expenditures during such fiscal year, any such unexpended funds at the end of such fiscal year shall be carried forward by the board to be used in paying for its operating costs and expenses for the ensuing year. The board of education in the city and the board of education in the county may make payments to the board for school health services provided by the board for children of school age, resident in the city and the county respectively, which shall not be in excess of the cost thereof.

Section 2. Section 212.450 of the Kentucky Revised Statutes is amended to read as follows:

The board shall not incur nor permit the incurrence of any indebtedness, in any manner or for any purpose, in an amount exceeding, in any fiscal year of the board, the income and revenue provided for such year through the appropriations provided for in KRS 212.470 for the purposes of KRS 212.350 to 212.620, and funds derived from other sources, without the assent of two-thirds of the voters in such county, including the voters in the municipalities located in such county, voting at an election called and held for that purpose in accordance with the provisions of KRS 66.120 and 66.130; and any indebtedness contracted in violation hereof shall be void and neither such city nor such county shall be liable therefor.

Section 3. Section 212.520 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal year of the board shall begin on July 1 of each year and shall end on June 30 of the following year. It shall be the duty of the appointive members of the board, during or bfore the month of May of each year, to prepare and certify to the fiscal court of the county and to the legislative body of the city, for their joint consideration, a preliminary budget showing the total funds which, in the judgment of the appointive members of the board, will be needed for its various departments, together with a satement showing the estimated balance, if any, which will be available on July 1 for expenditure during the next fiscal year following the certification of said statement, and also indicating, as nearly as may be possible, what additional funds or assets, other than appropriations, will be or become available for expenditure during said year. The board shall also furnish to said fiscal court and said legislative body any other information or data available to it which said fiscal court or said legislative body may request.

Section 4. Section 212.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the respective appropriations have been duly made by the city and county and an estimate of the amount of monies that the board will receive from appropriations and from any and all other sources, for a fiscal year has been made, the board shall prepare and certify to the fiscal court of the county

and the legislative body of the city for their approval, a revised financial budget setting forth the total amounts of funds available from all sources for expenditures during the board's fiscal year, and also setting forth, in as great detail as possible with respect to each administrative division, the estimated expenditures of the board for said fiscal year.

(2) A contingent fund for unanticipated expenditures may, with the approval of the fiscal court of the county and the legislative body of the city, be established in order to provide for such contingent and unanticipated needs as may arise during the board's said fiscal year and to supplement allotments to divisions which may require the same. The board, as nearly as may be practicable, shall make all disbursements and expenditures in each fiscal year in conformity with the revised budget allotments; but in the event of an emergency the board may, with the approval of the fiscal court and the legislative body of the city, reduce, withhold or transfer from one division to another, funds or assets so allotted.

Section 5. Section 212.560 of the Kentucky Revised Statutes is amended to read as follows:

The board shall have the power to borrow money on its own credit in anticipation of the revenue to be derived from appropriations provided for herein or of funds to be derived from other sources during the fiscal year in which the same is borrowed; and for such purpose the board may pledge said appropriations and funds, the collection and payment of which is anticipated during such year.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster

William B. Wells	T. D. Winstead	Dr. Clyde D. Wooton
Warren D. Williams	Charles W. Wirsch	Paul E. Young
Mrs. Randolph Wilson	Walker H. Wiseman	

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Those who voted in the negative were–

Albert Dempsey	William J. Marcum	–2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 261. AN ACT relating to the finance and revenue of joint city-county children's homes in counties containing a city of the first class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. Section 201.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to provied money for the purchase of property and the construction and equipment of buildings for the home, the fiscal court of the county may make an annual appropriation from the general fund of the county, and the legislative body of the city of the first class may make an annual appropriation from the general fund of the city. The appropriations, when in the judgment of the fiscal court and the legislative body of the city reasonably necessary for such purposes, shall be made by the county and the city in such amounts, in such proportion and upon such terms as the fiscal court and the legislative body may agree and provide. Monies so appropriated may be paid over to the board in regular monthly installments.

(2) Whenever the board is able to raise sufficient funds

for carrying out the purposes of this chapter by the use, lease, sale, exchange, mortgage or pledge of property which has been conveyed to the board, the appropriations mentioned in subsection (1) of this section shall not be made. The action of the board in making such sale, exchange, mortgage or pledge, must be approved by the county judge and the mayor of such city.

(3) The appropriations made under this section shall not be expended by the board for any purpose other than that provided in subsection (1) of this section.

Section 2. Section 201.170 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide money for maintaining the home and for carrying out the purposes of this chapter other than those named in KRS 201.160, the fiscal court of the county in which the home is established may make an annual appropriation from the general fund of the county, and the legislative body of the city of the first class may make an annual appropriation from the general fund of the city. The appropriations, when in the judgment of the fiscal court and the legislative body of the city reasonably necessary for such purposes, shall be made by the county and the city in such amounts, in such proportion and upon such terms as the fiscal court and the legislative body may agree and provide. Monies so appropriated may be paid over to the board by the county and the city in regular monthly installments, but shall not be expended by the board for any purpose other than those mentioned in this section.

Section 3. Section 201.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal year of the board shall begin on the first day of July in each year and end on June 30 next following. During the month of May of each year the board shall prepare and certify two financial statements to the fiscal court and the city legislative body.

(2) One statement shall show the amount of money that the board estimates will be needed for the ensuing fiscal year for expenditure under KRS 201.160, and set forth in detail the sums needed for the different branches or departments of the

expenditures. This statement shall also show the estimated balances which will be on hand at close of business June 30 of that year and available for expenditure during the next succeeding fiscal year under KRS 201.160, and shall indicate as nearly as possible any additional funds or assets, other than those derived from appropriations, that will become available for expenditure during said fiscal year.

(3) The other statement shall set forth the estimated balances, inventories, funds, assets and expenditures under KRS 201.170, in the same manner and detail as is required in the statement described in subsection (2).

(4) The board shall also furnish the fiscal court and city legislative body with any other information or data available to it which the fiscal court or the legislative body may request.

Section 4. Section 201.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the fiscal court of the county and the city legislative body make the appropriations authorized by KRS 201.160 and 201.170, the board shall prepare and certify to the fiscal court of the county and the legislative body of the city for their approval:

(a) A revised budget setting forth the receipts, funds and assets from all sources, available and estimated to become available for expenditure during the next succeeding fiscal year, for the purposes named in KRS 201.160, and the estimated expenditures by branches or departments for such year under KRS 201.160; and

(b) A revised budget setting forth the estimated receipts, funds and assets from all sources available and estimated to become available for expenditure during the next succeeding fiscal year for the purposes named in KRS 201.170, and the estimated expenditures by branches or departments for such year under KRS 201.170.

(2) In making the revised budgets, the board shall allocate the revenues and assets estimated to be and to become available for such fiscal year, to the various branches or departments

of expenditures to be made under KRS 201.160 and 201.170 respectively, and in making disbursements and expenditures for such fiscal year, the board shall conform thereto, but in the event of an emergency, the board, with the approval of the county judge and the mayor, may deviate therefrom.

(3) The board shall inaugurate and maintain a modern and efficient accounting system in the home.

Section 5. Section 201.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall not in any one year, expend for the maintenance of the home and the carrying out of the purposes of this chapter, more than the total sum derived through the appropriations for the year as provided in KRS 201.170, as supplemented by funds given to the board for such purposes and the funds derived from the sale or income of property give nto the board for such purposes and by the income of the home for the year.

(2) The board may borrow money on its own credit in anticipation of the revenue to be derived from appropriations or other income for the fiscal year in which the money is borrowed. For such purpose, the board may pledge the appropriations authorized under KRS 201.160 and 201.170. No money borrowed through the pledge of appropriations authorized under KRS 201.160 shall be expended for any purposes other than those named in that section; and no money borrowed through the pledge of appropriations authorized under KRS 201.170 shall be expended for any purposes other than those named in that section.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster

William B. Wells	T. D. Winstead	Dr. Clyde D. Wooton
Warren D. Williams	Charles W. Wirsch	Paul E. Young
Mrs. Randolph Wilson	Walker H. Wiseman	

—83

Those who voted in the negative were—

Albert Dempsey	William J. Marcum	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 262. AN ACT relating to the finance and revenue of joint city-county air boards in counties of the first class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 183.190 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide money for the purchase of lands and other property necessary for the establishment of airports, and to establish, equip and maintain necessary buildings for the purposes of airports, the fiscal court of the county in which such airports exists may make an annual appropriation from the general fund of the county, and the legislative body of each city of the first class within such county may make an annual appropriation from the general fund of such city. The appropriations, when in the judgment of the fiscal court and such legislative bodies reasonably necessary for such purposes, shall be made by the county and such cities in such amounts, in such proportion and upon such terms as the fiscal court of the county and the legislative bodies of such cities may agree and provide. All funds

derived from such appropriations shall be turned over to the board for the purposes set forth in KRS 183.150. Monies so appropriated may be paid over to the board by the county and the cities in regular monthly installments.

Section 2. Section 183.200 of the Kentucky Revised Statutes is amended to read as follows:

The board may borrow money on its own credit in anticipation of the revenue to be derived from appropriations or other income for the fiscal year in which the money is borrowed, and for such purposes the board may pledge the appropriations, if any, authorized under KRS 183.190.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	John Young Brown
Walter J. Bailey	Leo A. Bleemel	Charles W. Buchanan
Clarence J. Barnum	J. Murray Blue	Harry M. Caudill
Wallace Bartley	J. C. Bradley	Paul Cobb
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	William J. Conley
	Edward O. Bridgers	R. Josh Cosby

Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—83

Those who voted in the negative were—

Albert Dempsey
William J. Marcum

—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 263. AN ACT relating to the giving of notice to cities of claims for injuries growing out of defects in public ways.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 411.110 of the Kentucky Revised Statutes is amended to read as follows:

No action shall be maintained against any city in this state because of any injury growing out of any defect in the condition of any bridge, street, sidewalk, alley or other public thoroughfare, unless notice has been given to the mayor, city clerk or clerk of the board of aldermen in the manner provided for the service of notice in actions in the Rules of Civil Procedure. This notice shall be filed within ninety days of the occurrence for which damage is claimed, stating the time of and place where the injury was received and the character and circumstances of the injury, and that the person injured will claim damages therefor from the city.

Mr Anderson moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
John L. Day
Albert Dempsey
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Warren D. Williams
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Anderson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 264. AN ACT relating to advertisement for bids for repairs to school buildings and for purchase of supplies and equipment for schools.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 162.070 of the Kentucky Revised Statutes is amended to read as follows:

The contracts for the erection of new school buildings and additions and repairs to old buildings, except repairs not exceeding one hundred fifty dollars, shall be made by the board of education to the lowest and best responsible bidder complying with the terms of the letting, after such advertisement for competitive bids as the board determines, but the board may reject any or all bids. All necessary specifications and drawings shall be prepared for all such work. The board shall advertise for bids on all supplies and equipment that it desires to purchase, except where the amount of the purchase does not exceed two hundred fifty dollars, and shall accept the bid of the lowest and best bidder, but the board may reject any and all bids. In independent school districts of cities of the first class and in county school districts of counties containing a city of the first class, no advertisement for bids for repairs shall be necessary unless the amount involved exceeds two thousand dollars, and no advertisement for bids for supplies and equipment shall be necessary unless the amount involved exceeds one thousand dollars.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster

William B. Wells	T. D. Winstead	Dr. Clyde D. Wooton
Warren D. Williams	Charles W. Wirsch	Paul E. Young
Mrs. Randolph Wilson	Walker H. Wiseman	

—83

Those who voted in the negative were—

Albert Dempsey	William J. Marcum	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 265. AN ACT relating to the control of Air Polution.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of section 77.155 of the Kentucky Revised Statutes is amended to read as follows:

(2) A person shall not by himself, his agent or employe, or as agent or employe of another, discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. The board shall have power, by regulation, to fix reasonable limits, by weight or otherwise, for particular air contaminants or other material which in the opinion of said board may cause or have tendency to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public. Exceeding such limits shall be prima facie evidence of violation of this section.

Section 2. Section 77.215 of the Kentucky Revised Statutes is amended to read as follows:

The air pollution control officer may, at any time, require from any person who operates any plant or uses any article, machine, equipment, or other contrivance specified by the regulations of the air pollution control board or this Chapter, the use or operation of which may cause the issuance of an air contaminant, or may require from an applicant for, or holder of any permit provided for by the regulations of the air pollution control board, such information, analysis, plans or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source.

Section 3. Section 77.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person who violates any provision af KRS 77.155 or 77.165 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars nor less than ten dollars for each offense. Every day or any portion thereof during which any violation of these sections occurs or continues shall constitute a separate offense.

(2) Every person who violates any provision of KRS 77.180 to 77.240 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars nor less than ten dollars for each offense.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Albert Dempsey William J. Marcum —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. Res. No. 27 be taken from the Orders of the Day and adopted.

Said motion was agreed to by voice vote.

Said resolution was adopted.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 117. AN ACT relating to the state flower, and amending Section 2.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 2.090 of the Kentucky Revised Statutes is hereby amended to read as follows:

The redbud is the official state flower of Kentucky.

Mr. Brown moved that H. B. No. 117 be tabled.

Said motion was disagreed to by voice vote.

Mr. Everett moved that H. Res. No. 117 be recommitted to the committee to which it had previously been referred.

Roll call being demanded by Mr. Maglinger and Mr. Everett on motion to recomit, the result was as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	William J. Conley
Wallace Bartley	Charles W. Buchanan	Vernor O. Cottengim
		Albert Dempsey

Harold Edmonds	George R. Martin	Joe Rouse
Addison L. Everett	Alton B. Mitchell	W. R. Smith
Herbert Fern	Walter R. Moorman	Morris Weintraub
W. L. Hadden	Foster Ockerman	Warren D. Williams
Harold G. Helm	Louis T. Peniston	Charles W. Wirsch
David Heskamp	Edward D. Pollitte	Dr. Clyde D. Wooton
Estill R. Hilton	L. M. Tipton Reed	Paul E. Young

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Those who voted in the negative were—

Walter J. Bailey	Jennings H. Kearby	Jack Raybourne, Jr.
Owen Billington	James W. Lambert	Robert Reid
Leo A. Bleemel	George H. Lovelace	Lloyd E. Rogers
J. C. Bradley	Shelby McCallum	William A. Routh
Harry M. Caudill	Ralph E. McClanahan	Cecil C. Sanders
Cassius M. Clay	Caleb McFadden	LeRoy Saylor
Paul Cobb	William E. Maglinger	Mrs. Thelma L. Stovall
R. Josh Cosby	William C. Mann	E. H. Stumbo
Charles W. Craig	William J. Marcum	C. Waitman Taylor
James A. Dressman, Jr.	Carl D. Melton	James Treadway
O. O. Duncan	Tom Mobley	W. W. Webster
George F. Harris	Robert K. Montgomery	William B. Wells
Cabell D. Francis	Eddie J. Morris	Mrs. Randolph Wilson
Lon C. Hill	Paul T. Ratcliffe	T. D. Winstead
Varna Holt		Walker H. Wiseman
William M. Horn		
William L. Jones		

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The roll call being 28 ayes and 46 nays, the motion was disagreed to.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Cassius M. Clay
R. Josh Cosby
O. O. Duncan
Harold Edmonds
George F. Harris
Henry R. Heyburn
Lon C. Hill
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
William C. Mann
William J. Marcum
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Edward D. Pollitte
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
William A. Routh
LeRoy Saylor
E. H. Stumbo
C. Waitman Taylor
James Treadway
Will Tom Wathen
William B. Wells
Mrs. Randolph Wilson

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Those voting in the negative were—

Wallace Bartley
Harry M. Caudill
Paul Cobb
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Herbert Fern
Cabell D. Francis
W. L. Hadden
Harold G. Helm
Estill R. Hilton
Varna Holt
Caleb McFadden
Damon Majors
Walter R. Moorman
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Hobart Rayburn
L. M. Tipton Reed
Joe Rouse
W. R. Smith
Mrs. Thelma L. Stovall

Eulick Walsh	T. D. Winstead	Walker H. Wiseman
W. W. Webster	Charles W. Wirsch	Paul E. Young
Morris Weintraub		—33

Resolved that the title thereof be as aforesaid.

Mr. Lovelace moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill No. 236—Ways and Means

House Bill No. 245—Railroads

House Bill No. 249—Railroads

House Bill No. 253—Railroads

House Bill No. 272—Railroads

House Bill No. 274—Railroads

House Bill No. 295—Constitutional Amendments

House Bill No. 296—Kentucky Statutes No. 1

House Bill No. 297—Kentucky Statutes No. 1

House Bill No. 298—Kentucky Statutes No. 1

House Bill No. 299—Kentucky Statutes No. 1

House Bill No. 300—Ways and Means

House Bill No. 301—Kentucky Statutes No. 1

House Bill No. 302—Kentucky Statutes No. 1

House Bill No. 303—Kentucky Statutes No. 1

House Bill No. 304—Kentucky Statutes No. 1

House Bill No. 305—Ways and Means

House Bill No. 306—Kentucky Statutes No. 1
House Bill No. 307—Ways and Means
House Bill No. 308—Aviation
House Bill No. 309—Kentucky Statutes No. 1
House Bill No. 310—Kentucky Statutes No. 1
House Bill No. 311—Cities of the First Class
House Bill No. 312—Kentucky Statutes No. 1
House Bill No. 313—Kentucky Statutes No. 1
House Bill No. 314—Kentucky Statutes No. 1
House Bill No. 315—Kentucky Statutes No. 1
House Bill No. 316—Cities of the First Class
House Bill No. 317—Cities of the Third Class
House Bill No. 318—Cities of the Fifth Class
House Bill No. 319—Education
House Bill No. 320—Elections
House Bill No. 321—Cities of the First Class
House Bill No. 322—Education
House Bill No. 323—Criminal Law
House Bill No. 324—Ways and Means
House Bill No. 325—Kentucky Statutes No. 1
House Bill No. 326—Kentucky Statutes No. 1
House Bill No. 327—Kentucky Statutes No. 1
House Bill No. 328—Kentucky Statutes No. 1
House Bill No. 329—Kentucky Statutes No. 1
House Bill No. 330—Ways and Means
House Bill No. 332—City of the Second Class
House Bill No. 333—Ways and Means
House Bill No. 334—Constitutional Amendments

House Bill No. 335—Courts and Legal Procedure

House Bill No. 337—Cities of the Second Class

House Bill No. 338—Agriculture

House Bill No. 339—Cities of the Second Class

House Bill No. 340—Cities of the Second Class

House Bill No. 341—Ways and Means

House Bill No. 342—Kentucky Statutes No. 1

House Bill No. 343—Ways and Means

House Resolution No. 39—Claims

House Resolution No. 40—Claims

House Resolution No. 41—Judiciary and Judicial Council

House Resolution No. 42—Claims

House Resolution No. 43—Regulation of Intoxicating Liquors

House Resolution No. 44—Claims

House Resolution No. 45—Claims

House Resolution No. 46—Claims

House Resolution No. 47—Claims

S. Bill No. 84—Kentucky Statutes No. 1

S. Bill No. 98—Ways and Means

S. Bill No. 33—Ways and Means

S. Bill No. 69—Ways and Means

Mr. Lambert moved that the House adjourn until 1:00 P. M. Thursday, February 18, 1954.

Said motion was agreed to.

And the House did then adjourn.

THURSDAY, FEBRUARY 18, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Robert J. Laughlin, Pastor of the First Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith

Mrs. Thelma L. Stovall	W. W. Webster	Charles W. Wirsch
E. H. Stumbo	William B. Wells	Walker H. Wiseman
C. Waitman Taylor	Warren D. Williams	Dr. Clyde D. Wooton
James Treadway	Mrs. Randolph Wilson	Paul E. Young
Eulick Walsh	T. D. Winstead	Charles W. Burnley, Speaker
Will Tom Wathen		—94

Mr. Lowman moved that the reading of the Journal of the proceedings of Wednesday, February 17, 1954, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Kearby moved that leave of absence for the day be granted to all absent members.

Said motion was agreed to.

INTRODUCTION OF RESOLUTIONS AND BILLS

Resolutions and bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Newsom.

H. Res. No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of exempting timberland from existing taxation and imposing in lieu thereof, a severance tax on each tree, and to report its findings to the 1956 General Assembly.

Said resolution is as follows, viz:

WHEREAS, the taxes now imposed on timberland are inequitable and inadequate; and

WHEREAS, a severance tax imposed on each tree would eliminate many of the tax inequities and inadequacies now existing;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is hereby

directed to study the desirability of exempting timberland from all taxes as now imposed, and imposing in lieu thereof, a severance tax on each tree grown.

Section 2. The Legislative Research Commission shall report its findings and recommendations to the 1956 General Assembly.

By Mr. Anderson, Mr. Lowman and Mr. Lambert.

H. Res. No. 52. A JOINT RESOLUTION directing the Legislative Research Commission to study the feasability of a state financed program of financial assistance to deserving college students.

Said resolution is as follows, viz:

WHEREAS, Kentucky ranks low among the states in education generally, and ranks forty-seventh with regard to the percentage of college trained persons in the adult population; and

WHEREAS, an educated populace depends upon the development of good schools, and good schools depend upon well trained teachers; and

WHEREAS, the shortage of well trained teachers in the Commonwealth is so critical that approximately three thousand persons are now employed to teach in the schools who do not meet the minimum requirements for the issuance of a teachers certificate; and

WHEREAS, there is an acute need in the Commonwealth for college trained men and women in agriculture, commerce, labor industry, and the professions; and

WHEREAS, economic circumstances often prevent capable high-school graduates from attending college; and

WHEREAS, financial consideration should not be allowed to prevent deserving young men and women of this Commonwealth from acquiring a college education; and

WHEREAS, more than three-fourths of the states of the Union have programs which provide state aid through scholarships or loans to deserving college students,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be and it is directed to make a study of the feasability of inaugurating a state financed program of financial assistance to deserving college students, including the need for such a program in the Commonwealth and an analysis of similar programs in other states.

Section 2. That the Legislative Research Commission appoint a citizens advisory committee to aid in defining the scope of the study and to make recommendations regarding a suitable program of state aid to college students.

Section 3. That the Legislative Research Commission report its findings to the 1956 session of the General Assembly.

By Mr. Bleemel.

H. Res. No. 53. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission of milk prices in Kentucky.

Said resolution is as follows, viz:

WHEREAS, the dairy industry is an essential element in the economy of the Commonwealth; and

WHEREAS, it appears that a great difference exists between the price paid farmers for raw milk and the price charged consumers; and

WHEREAS, it appears that a thorough examination of the price structure of the milk industry and the expenses entailed in milk production and distribution is desirable;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is hereby authorized and directed to make a careful and impartial study of

milk prices and an analysis of the expenses entailed in milk production and distribution in the Commonwealth.

Section 2. The Legislative Research Commission shall submit to the General Assembly, as soon as practicable but no later than Decmeber 1, 1955, a report embodying the results and conclusions of the study hereby authorized and directed.

Section 3. The Legislative Research Commission in effectuating this resolution shall have the cooperation and assistance of the University of Kentucky College of Agriculture, the Agricultural Experiment Station, the Commissioner of Agriculture, Labor and Statistics and such other agencies, officers and consultants as it may deem necessary.

By Mr. Davis, Mr. Brown, Mr. Hadden, Mr. Morgan, Mr. Smith, Mr. Edmonds, Mr. Wathen, Mr. Burnley, Mr. Dempsey, Mr. Hilton, Mr. Webster, Mr. Ockerman, Mr. Martin, Mr. Rouse, Mr. L. M. Tipton Reed, Mr. Fitzpatrick, Mr. Harralson, Mr. Anderson, Dr. Wooton, Mr. Buchanan, Mr. Craig, Mr. Holt, Mr. Hobart Rayburn, Mr. Everett and Mr. Fern.

H. B. No. 373. AN ACT relating to property taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the year 1954 and thereafter, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first two million dollars and two cents on each one hundred dollars of the excess over two million dollars of the annual assessment. However, each county tax commissioner shall receive a minimum monthly payment of two hundred dollars as part or all of his compensation.

(2) In counties in which the assessed value of property exceeds eight million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies and for

other authorized expenditures two cents on each one hundred dollars of the property assessed in excess of eight million dollars but the total sum allowed to any county tax commissioner as deputy hire and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630. No state funds available to any county tax commissioner as compensation for deputies or for other authorized expenditures shall be paid without authorization of the Department of Revenue prior to the employment by the tax commissioner of deputies or other assistants or the incurring of other expense.

(3) Each county fiscal court shall annually allow and pay to the county tax commissioner for deputy allowance, supplies, maps and equipment, travel allowance for himself and his deputies, and other expenses of his office, two hundred dollars for the first million dollars of assessment and one-half of one cent for each hundred dollars of assessment in excess of one million dollars, but the total sum to be paid by the fiscal court to any tax commissioner shall not exceed ten thousand dollars. Each county tax commissioner shall, on or before December 1, file with the fiscal court a detailed report on all expenditures from funds allowed by the county and one copy of the report shall be filed with the Department of Revenue.

(4) The county tax commissioner shall not retain any part of the compensation allowed his deputies for more than thirty days, nor shall he receive for his personal services, incident to any assessment, more than $7,200. However, the maximum compensation for any county tax commissioner shall not exceed the highest compensation, including salary and fees, approved by the fiscal court for any other county official.

By Mr. Harris and Mr. Jones.

H. B. No. 374. AN ACT relating to refunding of excise taxes paid on gasoline, used in tractors or stationary engines operated for agricultural purposes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.344 of the Kentucky Revised Statutes is amended to read as follows:

Any person who shall use any gasoline, other than on public highways, on which the tax as imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, shall be reimbursed to the extent of ninety percent of the amount of the tax so paid on such gasoline; provided, however, that no refund shall be authorized unless applications therefor and all necessary information shall be filed with the Department of Revenue within one hundred and eighty days from the date of purchase; and further provided that no refund shall be authorized for purchases of less than fifty gallons at anyone time; and further provided that no refund shall be authorized unless the amount due is as much as five dollars.

The effective date of this act shall be July 1, 1954, and shall apply to gasoline purchased on or after this date.

By Mr. Billington.

H. B. No. 375. AN ACT relating to husband and wife, amending subsection (1) of Section 404.020 and subsection (1) of Section 404.060 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 404.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) A married woman may acquire and hold property, real and personal, by gift, devise or descent, or by purchase, and may, in her own name, as if she were unmarried, sell and dispose of her personal property. She may make contracts, and sue and be sued, as a single woman, except that she may not sue her husband or be sued by her husband, for negligence resulting in personal injury or death committed during coverture by her husband or by herself, but may not make any executory contract to sell or convey or mortgage her real estate, unless her husband joins in the contract. She may rent out her real estate, and collect, receive

and recover in her own name the rents thereof, and make contracts for the improvement thereof.

Section 2. Subsection (1) of Section 404.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) A married woman may sue, and be sued as a single woman, except that she may not sue her husband or be sued by her husband, for negligence resulting in personal injury or death committed during coverture by her husband or by herself.

By Mr. Dempsey.

H. B. No. 376. AN ACT amending the law relating to holidays, so as to include as a holiday St. Patrick's Day (March 17).

Said bill is as follows, viz:

WHEREAS, Ireland, the Emerald Isle, is justly famed in history, story and song, and

WHEREAS, this great country has taken its rightful place in the nations of the world, and

WHEREAS, thousands of its fair daughters and noble sons came to the United States of America, contributing to its wealth of statesmen, artists, singers, writers and pugilists, and

WHEREAS, the great St. Patrick, Patron Saint of Ireland is revered by those who appreciate Ireland, it is fitting and proper that his birthday be recognized as a public holiday.

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 17th day of March (St. Patrick's Day), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day), the 4th day of July (Independence Day), the

first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Armistice Day), the 25th day of December (Christmas Day) of each year, and all days appointed by the President of the United States or by the Governor as days of thanksgivings, are holidays, on which all the public offices of this Commonwealth may be closed; and shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

Section 2. Whereas, a proper respect for the memory of St. Patrick requires that provisions be made immediately for perpetuating his memory, and emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Newsom.

H. B. No. 377. AN ACT relating to exemption from public assistance lien on real property.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In the enforcement of a lien held by the Commonwealth under KRS 205.270, real property to the value of fifteen hundred dollars shall be exempt. This exemption shall apply to all reimbursement liens heretofore granted to the Commonwealth and remaining unsatisfied at the time this Act takes effect and all such liens are hereby expressly released to the extent of, but not exceeding, said exemptions. No lien shall be required on real or personal property where the value of such property does not exceed the exemption for such property herein granted.

By Mr. McClanahan.

H. B. No. 378. AN ACT relating to condemnation for water supply by owner of real estate providing public sleeping accommodations and meals, and amending subsection (1) of Section 416.220 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 416.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The owner of real estate serving the public, providing sleeping accommodations and meals, when pure water is not available in adequate quantities, shall have the right to condemn on the banks of any navigable stream a tract of land not more than twenty feet square and above the high water mark for a pumping station site and a right-of-way for a pipe line from said site to the deep water of the navigable stream and from said pumping station site to the point on the owner's real estate where the water is desired for use. The said property owner may condemn a right-of-way for an electric power line over the most direct course to the pumping station site. In the event the owner of such real estate finds it more desirable to make connections with the water system of a municipality or a water supply line leading from a navigable stream to the municipality or other source of supply, then said real estate owner may, at his option, condemn a right-of-way for a pipe line from said city water system or water supply line or other source of supply to the point on the owner's real estate where the water is desired for use, including such area as may be required to install and maintain pumps and meters for said water system and an electric line to conduct power to said pump with necessary electric control lines or apparatus. The owner of property condemning right-of-way for a water line under this Act, may agree to supply the subject owner a quantity of water in lieu of cash compensation for the easement, and such agreement to supply water to the subject property owner shall not be construed to place a burden on the condemning party to supply water service to others or meet the obligation of a public utility to render water service.

By Mr. Wathen.

H. B. No. 379. AN ACT relating to federal lands within the Commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 3.010 is amended to read as follows: "The Commonwealth of Kentucky consents to the acquisition by the United States of all lands and appurtenances in this state, by condemnation, gift or purchase, which are needful to their constitutional purposes, but said acquisition shall not be deemed to result in a cession of jurisdiction by this Commonwealth."

Section 2. Whenever the United States, or any agency thereof, shall request the Commonwealth to cede jurisdiction over any area, it shall be the duty of the Governor to transmit such request to the next session of the General Assembly for such action as it may deem Proper.

Section 3. Whenever the United States accepts the cession of jurisdiction over any area, the letter of acceptance shall be entered upon the Executive Journal.

Section 4. The Commonwealth consents to any retrocession by the United States of lands within its geographical boundaries whenever the United States shall have ceased to exercise exclusive or special jurisdiction over such lands. Inter alia, the conveyance of lands to private owners shall be deemed to constitute a retrocession of jurisdiction.

By Mr. Wathen.

H. B. No. 380. AN ACT relating to registration and purgation; amending subsection (1) of Section 117.630 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All forms required to be furnished by the State

Board of Registration and Purgation under the provisions of KRS Chapter 117 shall be prepared and printed as the board directs, and the provisions of KRS Chapter 57 shall not apply.

Section 2. Subsection (1) of Section 117.630 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Board of Registration and Purgation shall constitute a board to prepare blanks and all other forms for the registration, purgation, transfer, etc., of voters outside of cities of the first class. The blanks and forms shall be printed, prepared and furnished as the board may direct, and shall be paid out of the State Treasury. Separate card or loose-leaf registration record forms for the registration of the individual voters shall be prepared in duplicate, upon durable paper and of convenient size and shape as determined by the board, the original cards or forms being printed upon white paper and marked "Original," and the duplicates printed upon paper of another color and marked "Copy," each of the cards or forms providing for the entry thereon of the following information, signature and affidavit of the voter:

Date of Registration _____
Serial Number _____
Name of Voter _____
Address _____
(Number) (Street) (City or post office) (County road) (Box No.)
Nearest neighbor, if not in city or town _____
Term of Residence: State _____
County _____
Precinct _____
Color _____
Occupation _____
Party Affiliation _____ Sex_____
Apparent Weight _____
Apparent Height _____
Other Means of Identification _____
_____Signature of voter
Attest: _____
Clerk of _____County Court

VOTING RECORD

Mark the appropriate space for each election at which the elector votes.

	Primary	General		Primary	General		Primary	General
1952			1959			1966		
1953			1960			1967		
1954			1961			1968		
1955			1962			1969		
1956			1963			1970		
1957			1964			1971		
1958			1965			1972		

By Mr. Wathen.

H. B. No. 381. AN ACT relating to the designation of the tuliptree or yellow poplar as the official state tree of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The tuliptree, commonly known as the yellow-poplar, is the official state tree of Kentucky.

By Mr. Wathen.

H. B. No. 382. AN ACT relating to the registration of marriages, divorces, annulments and adoptions and with the State Department of Health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For each divorce, annulment of marriage, adop-

tion or annulment of adoption, the clerk of the court shall prepare within thirty days after the decree becomes final, a certificate of such decree on a form furnished by the Department of Health; and before the fifteenth day of each calendar month the clerk of the court shall forward to the State Department of Health the certificates prepared by him during the preceding calendar month. The clerk of the court shall be paid fifty cents for each certificate prepared and forwarded by him as above provided, which fee shall be taxed as costs in the case in which the decree was rendered.

Section 2. Each county court clerk shall, upon the issuance of each marriage license, abstract therefrom the statistical information regarding the parties to whom the license is issued and furnish it to the Department of Health on forms provided for that purpose. The county court clerk shall, before the fifteenth of each month, forward to the Department of Health the completed forms from licenses issued during the preceding calendar month. The county court clerk shall receive a fee of fifty cents for this service which shall be paid by the parties to whom the marriage license is issued.

Section 3. Any record that is transmitted to the Department of Health under the provisions of this Act shall be used solely for statistical data, and copies of these records shall not be available to the public.

By Mr. Wathen.

H. B. No. 383. AN ACT relating to the practice of chiropody.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of Section 311.380 of the Kentucky Revised Statutes is amended to read as follows:

"Chiropody" means the diagnosis, and the local, medical, mechanical and surgical treatment, of ailments of the human foot, and massage in connection therewith, except amputation of the foot or toes, or the use of anesthetics other than local, or the

use of drugs or medicine other than local; provided, however, that in connection with such treatment analgesics, antipyretics, and codeine may be used orally and antibiotics or sulfanilamide agents may be used through local application.

Section 2. Section 311.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby established a State Board of Chiropody which shall consist of five practicing chiropodists, each appointed by the Governor. All appointments, including appointments to fill vacancies, shall be made from lists of three names for each position submitted by the Kentucky Association of Chiropodists. Any vacancy shall be filled for the unexpired term by the Governor, as provided in the original appointment.

(2) A person to be eligible for appointment as a member of said board shall be at least twenty-one years of age, of good moral character, a resident of this state, and a licensed and practicing chiropodist in this state for at least five consecutive years next preceding the date of his appointment. No member of the board shall be a stockholder, officer or member of the faculty or board of trustees of any school, college or institution of chiropody.

(3) The State Board of Chiropody, established by Chapter 197 of the Acts of 1952, is hereby abolished, and all rights, functions, powers and duties of said board and of the State Board of Health under said Act are hereby transferred to and vested in the State Board of Chiropody established by this Section, upon the effective date of this Act. All records, files and moneys shall be turned over to the State Board of Chiropody established by this Section upon the effective date of this Act.

(4) The terms of office of the five members first appointed shall be one, two, three, four and five years, respectively, and the respective terms of the first members shall be designated by the Governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be five years, or until his successor shall be appointed and qualified.

(5) The board shall elect one of its members as president,

and one of its members as secretary. The board is authorized to fix the compensation of the secretary and to employ and fix the compensation of all personnel required by it for the administration of KRS 311.390 to 311.520. The board shall have power to make all rules and regulations, not inconsistent with KRS 311.390 to KRS 311.520, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.520.

(6) The board shall hold meetings at least twice a year and as frequently as it deems necessary at such times and places as the board may designate. A majority of the members shall constitute a quorum.

(7) The board may sue and be sued in its own name.

Section 3. (1) The State Board of Chiropody shall administer the provisions of law pertaining to the practice of chiropody.

(2) The board may adopt rules and regulations to implement and carry out these provisions.

By Mr. Horn.

H. Res. No. 54. A JOINT RESOLUTION inviting the Honorable Stuart Symington to address a joint session of the General Assembly of the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Honorable Stuart Symington be, and he is hereby respectfully invited to address a joint session of the General Assembly of the Commonwealth of Kentucky:

Section 2. That the President of the Senate and the Speaker of the House shall each appoint three members of their respective bodies to constitute a committee, the chairman of which shall be selected by its members, to extend to the Honorable Stuart Symington an invitation to address a joint session of the General Assembly, and fix the date and time for such joint session.

COMMITTEE REPORTS

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 84. AN ACT relating to length of validity of recorded chattel mortgages, and amending Section 382.720 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 296. AN ACT relating to the Youth Authority, and amending Sections 208.570 and 208.580 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 297. AN ACT relating to public improvement, amending KRS 94.297.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 298. AN ACT relating to the Department of Finance.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Stat-

utes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 299. AN ACT relating to motor transportation and motor vehicles.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 309. AN ACT relating to the uniform reciprocal enforcement of support for dependents and amending section 407.010 and repealing sections 407.020, 407.030, 407.040, 407.050, 407.060, 407.070, 407.080, and 407.090 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 310. AN ACT relating to claims allowed by courts payable from the State Treasury, amending subsection (1) of Section 44.020 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 312. AN ACT relating to the issuance of notes in anticipation of revenue.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Stat-

utes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 313. AN ACT relating to the conveyance of prisoners.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 315. AN ACT relating to children, and amending Sections 199.320, 208.150, 208.160, 208.170, 208.370, 208.380, and 208.460 of the Kentucky Revised Statutes.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 314. AN ACT relating to fees and expenses paid out of the State Treasury to witnesses.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 326. AN ACT relating to investments in real property by insurers.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 327. AN ACT relating to fire prevention and protection.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 328. AN ACT relating to toll bridges, amending KRS 180.130.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 329. AN ACT relating to insurance, and amending certain sections of Chapter 304 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 202. AN ACT relating to property taxation.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 303. AN ACT relating to assistant attorneys general.

With Committee amendment attached thereto, as follows:

Amendment No. 1—On page 2, section 3, by deleting all of lines 13 to 16 inclusive and substituting in lieu thereof the following:

"department to which he has been assigned. Except as provided in KRS 12.210 and 12.220, he shall be the legal adviser to such department and may represent it in any litigation. He shall devote his time to the legal affairs"

With an expression of opinion that same should pass with Committee Amendment.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Morgan, Chairman of the Committee on Regulation of Intoxicating Liquors, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 185. AN ACT relating to county alcoholic beverage control administrators.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Morgan, Chairman of the Committee on Regulation of Intoxicating Liquors, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 270. AN ACT relating to places of entertainment, including in the definition thereof any place having therein or thereon any person engaging in the practice of being a medium, clairvoyant, soothsayer, fortuneteller, palmist, phrenologist, spiritualist, or like activity, prohibiting certain conduct on the premises, providing an additional ground for revocation of the permit, amending sections 231.010 and 231.110 of, and adding a new section to, the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Barnum, Chairman of the Committee on Cities of the First Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 316. AN ACT relating to zoning and planning in cities of the first class and counties containing such cities.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wiseman, Chairman of the Committee on Public Health, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 290. AN ACT providing for the regulation of the practice of optometry; authorizing the issuance of licenses to engage in the practice of optometry; providing for the administration and enforcement of this Act; regulating the advertising of optical supplies and equipment; prohibiting certain types of advertising by optometrists or other persons; regulating the sale of visual aid glasses; prohibiting the sharing of prices paid for visual aid glasses; providing for penalties for the violation of this Act; and repealing section 320.010 to 320.990, inclusive, of the Kentucky Revised Statutes.

With amendments attached thereto as follows, viz:

Amendment No. 1—On page 3, section 3 (2), lines 9, 10, and 11. Insert period after the word "Kentucky" on line 9, and strike the remainder of lines 9, 10, 11.

Amendment No. 2—On page 3, section 3, Add new subsection to be numbered (3) and to read as follows: "Nothing in this Act shall be construed to prohibit persons from fitting, adjusting, or dispensing visual aid glasses or other lenses or appurtenances provided that such fitting, adjusting or dispensing is done upon the written prescription of a regularly licensed optometrist, physician or osteopath, or as requiring such persons to be licensed under this Act."

Amendment No. 3—On page 9, section 11, lines 12, 13, 14. Strike in their entirety.

With an expression of opinion that same should pass as amended.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 226. AN ACT relating to qualifications of insurance solicitors and amending section 304.534, Kentucky Revised Statutes.

H. B. No. 280. AN ACT relating to transportation of malt beverages by distributors and amending KRS 243.180.

H. B. No. 237. AN ACT relating to the transportation of petroleum and petroleum products in bulk in tank trucks by motor vehicles, and making certain provisions of Chapter 281 of the Kentucky Revised Statutes applicable thereto.

H. B. No. 41. AN ACT relating to holidays.

H. B. No. 184. AN ACT to amend and re-enact KRS 64.620 relating to fees of court commissioners and receivers.

H. B. No. 16. AN ACT relating to operation of motor vehicles while under the influence of intoxicating liquor or narcotic drugs and amending section 189.520 of the Kentucky Revised Statutes.

H. B. No. 143. AN ACT relating to advance fees of circuit clerks, amending Section 64.030 of the Kentucky Revised Statutes.

H. B. No. 108. AN ACT relating to evidence, amending Section 455.090 and subsection (3) of Section 421.210 of the Kentucky Revised Statutes.

H. B. No. 130. AN ACT relating to judicial districts, creating an additional district, and making changes in the apportionment and allocation of counties of the counties of the Twenty-seventh, Thirty-fourth and Forty-first Judicial Districts, in order

to comply with the meaning and intent of the Constitution of the Commonwealth of Kentucky with respect to the division of the Commonwealth into judicial districts; etc.

H. B. No. 62. AN ACT relating to juries in police courts in cities of the second class.

H. B. No. 365. AN ACT relating to public school education; to provide for the establishment, operation, and financing of a foundation program for the public schools in the Commonwealth of Kentucky and for the apportionment, distribution, and use of the public school foundation program fund.

H. B. No. 228. AN ACT rleating to retired policemen in cities of the second to sixth class.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Lowman moved that H. B. No. 186 and H. B. No. 133 retain their places in the Orders of the Day.

Said motion agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 142. AN ACT relating to the issuance of motor vehicle operators' licenses and repealing subsection (2) of section 186.410 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 186.410 of the Kentucky Revised Statutes is hereby repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Owen Billington
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery

Fred Morgan	L. M. Tipton Reed	James Treadway
Thomas J. Murphy	Robert Reid	Will Tom Wathen
Goebel W. Newsom, Jr.	Russell Reynolds	W. W. Webster
	William A. Routh	William B. Wells
Foster Ockerman	LeRoy Saylor	Warren D. Williams
Louis T. Peniston	W. R. Smith	Mrs. Randolph Wilson
Edward D. Pollitte	Mrs. Thelma L. Stovall	
Roger E. Qualls		Walker H. Wiseman
Paul T. Ratcliffe	E. H. Stumbo	Dr. Clyde D. Wooton
Jack Raybourne, Jr.	C. Waitman Taylor	Paul E. Young

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Those who voted in the negative were—

George H. Lovelace	Cecil C. Sanders	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 73. AN ACT relating to tax on the use of gasoline.

H. B. No. 63. AN ACT relating to tax bill forms; notice to taxpayers, etc.

H. B. No. 72. AN ACT relating to the establishment of a Kentucky Council on Regional Education.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said

bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of the House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 168. AN ACT relating to inheritance and estate taxes; amending section 140.030 and section 140.260 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 140.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) If it appears, either from the will of the decedent or from extrinsic evidence, that an obligation of a contractual nature exists in favor of any person payable at or after death of the decedent, the sum so payable shall be treated for the purposes of this chapter as a taxable transfer, unless it affirmatively appears by competent evidence that a consideration substantially equivalent in value to the amount due under the contract was paid or furnished by or for the other party thereto during the life of the decedent.

(2) The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), payable to the assured or his estate, shall be taxable as a part of the legacy as a distributable share of the beneficiary. The proceeds of an insurance policy payable to a designated beneficiary other

than the assured or his estate or a trustee of a designated beneficiary other than the assured or his estate shall be tax-free. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, and any pension or annuity payments made or to be made to the widow of an employe of a railroad or other carrier under the Federal Railroad Retirement Act of 1935 as amended, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.

Section 2. Section 140.260 of the Kentucky Revised Statutes is amended to read as follows:

Notwithstanding any of the provisions of this chapter, any life insurance company may pay the proceeds of any policy taxable under K.R.S. 140.030 upon the life of a decedent or the balance due at the death of the decedent on an annuity contract to the person entitled thereto as soon as it has mailed to the Department of Revenue a notice, in such form as the department may prescribe, setting forth the fact of such payment. The department may by regulation dispense with the requirement for this notice as to payment of policy proceeds amounting to one thousand dollars or less.

Mr. Billington offered the following amendment and moved its adoption.

Amendment No. 1—By adding on page 3 of the printed bill a new section to read as follows:

Section 3. This act shall become effective July 1, 1956.

Said motion was agreed to.

Said amendment adopted.

Mr. Billington moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
Charles W. Craig
John L. Day
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds

William A. Routh	C. Waitman Taylor	Mrs. Randolph Wilson
Cecil C. Sanders	James Treadway	T. D. Winstead
LeRoy Saylor	Eulick Walsh	Charles W. Wirsch
W. R. Smith	Will Tom Wathen	Walker H. Wiseman
Mrs. Thelma L. Stovall	W. W. Webster	Dr. Clyde D. Wooton
E. H. Stumbo	William B. Wells	Paul E. Young
	Warren D. Williams	

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Those who voted in the negative weer—

Wallace Bartley	W. Marvin Davis	William C. Mann
R. Josh Cosby	Albert Dempsey	

—5

Resolved that the title thereof be as aforesaid.

Mr. Billington moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. B. No. 133 be recommitted to the Committee to which it had been previously referred.

Said motion was agreed to.

Said bill recommitted.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 199. AN ACT relating to sheriffs' revenue bonds.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 134.230 of the Kentucky Revised Statutes is amended to read as follows:

The sheriff shall, before he qualifies and before he assumes the duties of the office for the first time, enter into bond with surety for the faithful performance of his duties as revenue collected. This bond shall cover liability to account, as provided by

law, for all charges of taxes made against him, and for all money received by him as revenue collector from the date he assumes the duties of the office to and including May 31 of the same year. He shall enter into bond with surety thereafter before or as of June 1 of each succeeding year of the term of his office, except that the expiration date of the bond for the last year in the term shall be to and including March 15. The county judge shall hold court at any time the sheriff may request for the purpose of executing bond.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	J. C. Bradley	William J. Conley
Walter J. Bailey	Edward T. Breathitt, Jr.	R. Josh Cosby
Clarence J. Barnum	Edward O. Bridgers	Charles W. Craig
Wallace Bartley	John Young Brown	W. Marvin Davis
Charles E. Baumgardner, Sr.	Charles W. Buchanan	John L. Day
Owen Billington	Harry M. Caudill	Albert Dempsey
J. Murray Blue	Paul Cobb	C. E. Dowell
		James A. Dressman, Jr.

O. O. Duncan
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
E. H. Stumbo
James Treadway
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 201. AN ACT relating to excise taxation of amusement admissions.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of section 138.020 of the Kentucky Revised Statutes is amended to read as follows:

(a) Nothing in this section shall be construed to impose a tax upon admissions to athletic contests, plays, concerts or other forms of amusements or entertainment presented by nonprofit civic, fraternal, charitable, musical, social or educational clubs or associations if no professional performers are employed and all profits are used exclusively for civic, charitable, religious or educational purposes within this state. But no nonprofit association, corporation, organization or individual shall be entitled to the exemption granted in this section if any officer, employee, entertainer, member or shareholder shall receive or be entitled to receive, directly or indirectly, any pecuniary profit except reasonable compensation for necessary services actually rendered in the ordinary conduct of business.

(b) If any professional entertainers or performers are employed, all amounts paid for admission are subject to tax unless at least seventy-five per cent of the gross proceeds of admissions are used for charitable, religious or educational purposes within this state.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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There voted in the negative—

Jennings H. Kearby —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 203. AN ACT relating to motor vehicle liability insurance.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever an automobile dealer or bank or other lending institution which handles automobile loans procures a policy of insurance for the purchaser of an automobile, new or used, if such policy does not cover the insured as to public liability insurance, then such person or institution shall cause to be stamped or written on the face of the purchaser's copy of such policy a statement that such policy does not cover bodily injury or property damage insurance.

Section 2. Any person who shall violate the provisions of this Act shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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There voted in the negative—

LeRoy Saylor

—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 205. AN ACT relating to property taxation.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 133.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of Supervisors shall convene at the county seat on the first week day in May in 1954 and on the second Monday in May in each year thereafter; except that no meeting shall be held until the tax roll has been completed and until after the inspection period provided by law. All records of the county tax commissioner shall be available to the board of supervisors while meeting.

(2) The board of supervisors shall continue in session until all appeals are heard and decided; except that it shall not continue in session more than ten days after it convenes in 1954 nor more than five days after it convenes in each year thereafter; unless an extension of time is authorized by the Department of Revenue upon request of the county judge. Each supervisor shall be paid ten dollars for each day he serves, except that if the board consists of more than three members, each supervisor shall be paid five dollars for each day he serves. This compensation shall be paid one-half out of the county levy and the other half out of the State Treasury.

Section 2. Section 133.045 of the Kentucky Revised Statutes is amended to read as follows:

The tax roll shall be open for inspection in the tax com-

missioner's office from April 15 to May 1, 1954, and for five days beginning on the first Monday in May of each year thereafter. In case of necessity, the Department of Revenue may order a reasonable extension of time for the inspection period of the tax roll or it may order that the inspection period be at a different time than that provided herein. It shall be the duty of the tax commissioner to publish a notice as to the time of the inspection period in the newspaper having the largest bona fide circulation in the county at least three days before the beginning of such period. The cost of such notice shall be paid by the fiscal court of the county. Such notice shall also be posted at the courthouse door. Failure to publish or post notices when the inspection period is at the regular time as provided in this section shall not invalidate assessments made by the county tax commissioner and recorded on the tax roll prior to the inspection period.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Clarence J. Barnum	Owen Billington
Walter J. Bailey	Wallace Bartley	Leo A. Bleemel
John Rhea Banton	Charles E. Baumgardner, Sr.	J. Murray Blue
		J. C. Bradley

Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Damon Majors
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—79

Those who voted in the negative were—

Caleb McFadden
William C. Mann
William J. Marcum
Edward D. Pollitte
James Treadway
—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 267. AN ACT relating to compensation of public officers and employees.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.640 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. (1) Except as otherwise provided in subsection (2) of this section, and excepting officers elected by popular vote, commissioners of the Court of Appeals, employees of the General Assembly, including employees of the Legislative Research Commission, members of Boards and Commissions, and Presidents and employees of the University of Kentucky and the state colleges, the Division of Personnel in the Department of Finance shall prepare a schedule of compensation, payable out of the State Treasury, with a minimum and maximum salary rate, and such intermediate salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employee, including specifically the officers and positions of employment in every constitutional administrative department, statutory administrative department, independent agency, or other unit of state government. Such schedules shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules, the Division of Personnel shall ascertain and record the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 42.120. No such schedule shall become effective until it has been approved by the Governor.

(2) The Governor shall set the compensation payable out of the State Treasury to each office or position in the state service hereinafter named but such compensation shall not exceed the maximum sums listed herein:

(a) Commissioner of Conservation, Commissioner of Economic Security, Commissioner of Finance, Commissioner of

Health, Commissioner of Highways, Commissioner of Mental Health, Commissioner of Revenue—$12,000.

(b) Adjutant General, Administrator of Distilled Spirits Unit, Administrator of Malt Beverages Unit, Chief of the Department of Mines and Minerals, Commissioner of Aeronautics, Commissioner of Alcoholic Beverage Control, Commissioner of Banking, Commissioner of Fish and Wildlife Resources, Commissioner of Industrial Relations, Commissioner of Insurance, Commissioner of Motor Transportation, Commissioner of State Police, Commissioner of Welfare, Director of the Kentucky Crippled Children's Commission, Director of Strip Mining and Reclamation, Executive Director of the Agricultural and Industrial Development Board, Executive Director of State Property and Buildings Commission, Executive Director of the State Tuberculosis Sanatoria Commission, Manager of the Kentucky State Fair, Private Secretary to the Governor, Revisor of the Statutes—$10,000

(c) Heads of statutory departments and agencies other than those named in paragraphs (a) and (b) of this subsection—$7,500

(3) Except with respect to physicians as provided for in KRS 64.655, the compensation payable out of the State Treasury to officers and employees subordinate to any office or position listed in subsection (2) shall not exceed the maximum rate established pursuant to subsection (2) for such office or position.

(4) The compensation payable out of the State Treasury to any subordinate officer or employee in any department, agency board or commission of the state government not covered by subsection (3) and except elective officers and their employees, shall not exceed $7,500 per annum.

(5) Nothing in this section shall preclude the allowance of maintenance to officers and employees of the state.

Section 2. Section 64.650 of the Kentucky Revised Statutes is repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
William J. Conley
R. Josh Cosby
W. Marvin Davis
John L. Day
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
C. Ruby Harralson
George F. Harris
Henry R. Heyburn
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh

Cecil C. Sanders	Will Tom Wathen	T. D. Winstead
W. R. Smith	W. W. Webster	Charles W. Wirsch
Mrs. Thelma L. Stovall	William B. Wells	Walker H. Wiseman
E. H. Stumbo	Warren D. Williams	Dr. Clyde D. Wooton
C. Waitman Taylor	Mrs. Randolph Wilson	Paul E. Young
Eulick Walsh		

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Those who voted in the negative were—

J. Murray Blue	O. O. Duncan	Caleb McFadden
Charles W. Buchanan	Harold G. Helm	William J. Marcum
Cassius M. Clay	David Heskamp	George R. Martin
Paul Cobb	Lon C. Hill	Carl D. Melton
Charles W. Craig	Varna Holt	Alton B. Mitchell
Albert Dempsey	James W. Lambert	LeRoy Saylor
James A. Dressman, Jr.	George H. Lovelace	James Treadway

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House, as follows, viz:

H. B. No. 22. AN ACT relating to the taxing powers of cities of all classes and amending section 92.281 of the Kentucky Revised Statutes, and declaring an emergency.

H. B. No. 90. AN ACT relating to agricultural experimentation, and amending Section 247.020 of the Kentucky Revised Statutes.

H. B. No. 138. AN ACT relating to support of forage, pasture and grassland farming in Kentucky, and to appropriate money therefor.

Ordered that said bills be delivered to the Enrolling Clerk.

A message was received from the Senate that they had passed a resolution originating in that body, as follows, viz:

S. Res. No. 24. A JOINT RESOLUTION memorializing the U. S. Congress to complete construction of the floodwall on the Ohio and Licking Rivers at the cities of Ludlow, Dayton and Wilders in Kenton and Campbell Counties in the Commonwealth of Kentucky, and directing transmittal of this Resolution to all U. S. Senators and Congressmen representing the Commonwealth.

Ordered that said resolution be printed and referred.

A message was received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 138. AN ACT relating to the Kentucky Historical Society.

S. B. No. 139. AN ACT relating to the Library Extension Division.

S. B. No. 140. AN ACT relating to the State Library Service and the distribution of public books; abolishing the Department of Library and Archives and the Legislative and Law Library; establishing a State Law Library; providing for the distribution of public books and documents; and providing for the transfer of functions and appropriations.

S. B. No. 116. AN ACT relating to the State Fair Board, amending section 247.170 of the Kentucky Revised Statutes.

S. B. No. 131. AN ACT relating to apiaries, amending Subsection (1) of Section 252.220 of the Kentucky Revised Statutes.

S. B. No. 136. AN ACT relating to partnerships.

S. B. No. 142. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 96. AN ACT relating to the fraudulent display of badges or organizations, and amending subsection (2) of Section 434.060 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 434.060 of the Kentucky Revised Statutes is hereby amended to read as follows:

Any person who wilfully wears the badge of the Grand Army of the Republic, Masons, Odd Fellows, Knights of Pythias, Knights of Columbus, Knights of Honor, Confederate Veterans or other similar secret societies, American Legion, American Legion Auxiliary, American War Mothers or Kentucky State Association of Licensed Practical Nurses, without being entitled to wear or use it under the regulations governing the organization, shall be fined not more than twenty dollars, or be imprisoned for not more than thirty days, or both.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Varna Holt
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker, Mr. Burnley, having vacated the chair, Mr. Morgan assumed the chair as Speaker pro tem.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 214. AN ACT relating to the liability of operators of automobile parking lots or automobile storage garages for safekeeping and return of automobiles and their contents.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. It is declared that the operation of automobile parking lots or automobile storage garages, wherein automobiles are parked or stored for hire, is a business impressed with the public interest. It is further declared that any contract purporting to limit the liability of the operator of such a lot or garage, for loss of or damage to an automobile parked for hire, or its contents, except liability for damage by the elements or by physical forces beyond the control of the operator and his employes, is against public policy.

Sec. 2. Every operator of an automobile parking lot or automobile storage garage, wherein automobiles are stored or kept for hire, shall be obligated to safely keep and return such automobiles, and their contents, and shall be liable for any loss of or damage to such automobiles, and their contents, except damage by the elements or by physical forces beyond the control of the operator and his employes. The liability shall expressly include liability for theft, and for damage resulting from collision between automobiles on the lot or in the garage. No contract purporting to limit the liability shall be valid.

Mr. Jones moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Charles W. Craig
John L. Day
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William L. Jones
Talmage Lacy
James W. Lambert
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
James Treadway
Eulick Walsh
W. W. Webster
William B. Wells
Warren D. Williams
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
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Those who voted in the negative were—

John Rhea Banton	Henry R. Heyburn	Walter R. Moorman
Leo A. Bleemel	William M. Horn	Foster Ockerman
John Young Brown	Harry King Lowman	Paul T. Ratcliffe
C. Ruby Harralson	Damon Majors	E. H. Stumbo

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Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 132. AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Upon the application of any carrier by rail, the commission may, after giving public notice and holding such hearing as may, by order, direct, authorize discontinuation of passenger service on any line or branch of such carrier by rail if the commission finds that such passenger service has been and is being carried on at a loss with on reasonable probability of future improvement and, that such carrier by rail is not earning, from other transportation service, a net income above maintenance and operating costs and a fair return on the value of all its property devoted to the transportation service sufficient to enable recoupment from the loss which has been sustained or will be sustained as a result of continuing operation of the passenger service sought to be discontinued. A decision by the commission

shall be based on a consideration of the declared public policy that all common carriers operating in the state shall furnish every necessary transportation service at the lowest cost possible under economical administration with no particular transportation service being required to be furnished when its cost of operation casts an unreasonable burden upon other transportation services required by public necessity and when the public fails to utilize such service to such an extent as to indicate public necessity of such service. No carrier by rail shall discontinue its passenger train or substitute a mixed train for a passenger train or bud cars with less operating employees than are employed upon passenger trains until the commission shall have authorized the discontinuance or substitution in accordance with this section, provided, however, that this clause shall not apply to seasonal passenger trains.

(2) Any carrier by rail that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line, shall not abandon the station without the written consent of the commission."

Mr. Burnley offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, subsection (1) line 5, Insert the word "it" between the words "as" and "may".

Said motion was agreed to.

Said amendment adopted.

Mr. Burnley offered the following amendment and moved its adoption.

Amendment No. 2—On page 1, subsection (1), line 8 After the word "with" delete the word "on" and insert in lieu thereof the word "no".

Said motion was agreed to.

Said amendment adopted.

Mr. Burnley offered the following amendment and moved its adoption.

Amendment No. 3—On page 1, subsection (1), line 10 After the word "service" delete the comma and insert in lieu thereof the following words: "in this state,"

Said motion was agreed to.

Said amendment adopted.

Mr. Burnley moved the previous question.

Said motion was agreed to.

Mr. Burnley moved that the proponents and opponents of the foregoing bill be allotted thirty minutes each for discussion.

Said motion was agreed to.

The discussion be concluded, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Burnley moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cassius M. Clay	Thomas P. Fitzpatrick
Charles E. Baumgardner, Sr.	Vernor O. Cottengim	C. Ruby Harralson
Owen Billington	W. Marvin Davis	George F. Harris
J. C. Bradley	John L. Day	Estill R. Hilton
Edward O. Bridgers	C. E. Dowell	Chester J. Holsclaw
	James A. Dressman, Jr.	William L. Jones

Jennings H. Kearby
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Hobart Rayburn
L. M. Tipton Reed
Joe Rouse
William A. Routh
LeRoy Saylor
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Charles W. Burnley, Speaker
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Those who voted in the negative were—

Wallace Bartley
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
R. Josh Cosby
Charles W. Craig
Albert Dempsey
O. O. Duncan
Addison L. Everett
Herbert Fern
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Varna Holt
William M. Horn
Talmage Lacy
James W. Lambert
George H. Lovelace
William J. Marcum
Robert K. Montgomery
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Cecil C. Sanders
W. R. Smith
E. H. Stumbo
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
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Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

The Speaker, Mr. Burnley, resumed the chair.

Mr. Lowman made a motion to suspend the rules for the purpose of introducing bills and resolutions.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Clay, Mr. Cosby, Mr. Ockerman, Mr. Fern, and Mr. Wiseman.

H. Res. No. 55. A JOINT RESOLUTION memorializing the Congress of the United States to appropriate sufficient funds to complete the acquisition of sites and consummate the project for establishing a Pioneer National Monument under the National Park Service, to compromise Blue Licks Battlefield, Fort Boonesborough, Boones Station and Bryan Station.

Said Resolution is as follows, viz:

WHEREAS, by Act No. 380, passed at the Second Session of the 73rd Congress of the United States, and approved June 18, 1934 (Chap. 573, 48 Stat. 982; U. S. C. A., Title 16, Secs. 448-450), provision was made for the creation, preservation and perpetual maintenance by the Government of the United States of the "Pioneer National Monument," to consist of the Blue Licks Battlefield, Fort Boonesborough, Boone's Station and Bryan's Station, in the State of Kentucky, when title thereto shall have been vested in the United States, and that said "Pioneer National Monument" should be administered by the National Park Service; and

WHEREAS, by joint resolution Chapter 177, Acts 1944, provision was made for the conveyance by the Commonwealth to the National Government of the United States of title to the Blue Licks Battlefield State Park tract of land; and

WHEREAS, the sites of Fort Boonesborough, Boone's Station, and Bryan's Station are presently in private ownership; and

WHEREAS, all of the above mentioned sites are not merely of local and statewide significance, but also of national significance, inasmuch as the Battle of Blue Licks was the last battle of the American Revolution; Fort Boonesborough is the site of the first white settlement west of the Appalachian Mountains; Boone's Station was built by Daniel Boone and for a number of years was the home and headquarters of himself, his family and

connections; and Bryan's Station is the site of a famous Indian siege in which the pioneer women of the Station displayed great heroism;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly of the Commonwealth of Kentucky in regular session assembled, the Senate and House concurring, memorializes the 83rd Congress of the United States to appropriate sufficient funds to complete the acquisition of the nationally historic sites of the Battle of Blue Licks, Fort Boonesborough, Boone's Station and Bryan's Station; in Kentucky, and to consummate the project to place these sites under the National Park Service as a permanent "Pioneer National Monument."

Section 2. That the Senators and Representatives of Kentucky in the 83rd Congress are urged to introduce and support legislation to accomplish the foregoing.

Section 3. That copies of this memorial, duly authenticated, be sent by the Clerk of the Senate to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

By Mr. Wathen.

H. B. No. 384. AN ACT relating to rabies control and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this Act it is the intention of the General Assembly to provide for the effective control of the spread of rabies. The provisions of this Act are to be interpreted as recognizing that rabies is a disease dangerous to public health.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Dog" includes all members of the canine family, six months of age or over;

(2) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog, and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(3) "Vaccination" means the injection by a veterinarian, or other qualified person, of vaccine approved by the Bureau of Animal Industry, United States Department of Agriculture, in amounts prescribed by the State Board of Health;

(4) "Veterinarian" means a duly licensed practitioner of veterinary medicine, accredited by the Bureau of Animal Industry, United States Department of Agriculture;

(5) "Qualified person" means a person granted a permit by the State Board of Health to vaccinate animals against rabies.

Section 3. On or before the first of September of 1954 and of each year thereafter, every owner shall have his dog vaccinated against rabies. The veterinarian or qualified person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the State Department of Health. The vaccination certificate shall be prepared and issued in triplicate, one copy to be retained by the issuing veterinarian or other qualified person, one copy to be given to the owner of the dog vaccinated, and one copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the State Department of Health. Each certificate shall bear the name and address of the veterinarian or qualified person who issued it and a serial number. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag may bear the name of the issuing veterinarian. It shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the

dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog.

Section 4. The State Board of Health, in its sound discretion, may by such rules and regulations as it deems advisable:

(a) Exempt from the provisions of Section 3 of this Act the owners of dogs in any county or counties in which the incidence of rabies decreases sufficiently to warrant this action;

(b) Extend the period required for re-vaccination if a new vaccine is developed which will give longer periods of immunity;

(c) Exempt from the provisions of Section 3 of this Act the owners of dogs which are brought into this state for a period not to exceed thirty days.

Section 5. Any owner who has had his dog vaccinated against rabies in another state by the proper authority therein shall not be required to have such dog re-vaccinated when brought into this state provided the requirements of such state under which the vaccination was made were of a standard not lower than those required in this state and provided further that such dog wears a tag affixed to his collar or harness bearing the date of such vaccination. One year after the date of such vaccination such dog must be re-vaccinated unless provided otherwise by the rules and regulations of the State Board of Health. The State Board of Health may make rules and regulations governing the matter of reciprocity with other states.

Section 6. Whenever vaccination facilities or veterinary services are not readily available or do not meet the entire needs of a county, the State Department of Health may contract with veterinarians or qualified persons to vaccinate dogs or animals at scheduled mass immunization clinics at fees not in excess of two dollars per animal vaccinated, to be paid by the owner to the State Department of Health. Fees so collected shall be paid into the State Treasury and credited to a trust and agency fund to be used in defraying the costs and expenses of administering this Act.

Section 7. Whenever a local board of health has reason

to believe or has been notified by the State Department of Health that there is danger that rabies may spread within the county or any portion thereof, the board shall publish a notice requiring owners of dogs, or other specified animals in the area designated to confine the animals for such periods as may be necessary to prevent the spread of rabies. If it is deemed advisable in the interest of public health the local board of health shall order all dogs in the area re-vaccinated against rabies and if the local board fails or neglects to do so, the State Department of Health may order the re-vaccination of all dogs or other animals in the area except animals that have been previously vaccinated within the past six months under the provisions of this Act. The State Department of Health may aid the local health department in the execution of such emergency vaccinations.

Section 8. Every physician shall, within twelve hours after his first professional attendance of a person bitten by a dog, cat or other animal, report to the local health department the name, age, sex, color, and precise location of the person so bitten. If a child is bitten and no physician attends, the report shall be made by his parents or guardian. If an adult is bitten and no physician attends, he or the person caring for him shall make the report.

Section 9. The State Board of Health may administer the provisions of this Act through the local health departments and may make such rules and regulations and employ such personnel as are necessary to effectuate the purposes of this Act.

Section 10. A health officer or his agent shall have the authority to quarantine for a period not to exceed ninety days any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed fourteen days any animal which has bitten a human being or which exhibits symptoms of rabies. An animal so quarantined may be confined by the health officer at a designated place at the owner's expense. Whenever a dog dies with rabies or is suspected of having died with rabies or is destroyed because of having been suspected of being rabid, the owner thereof, whether the dog had been previously quarantined or not, shall at his

own expense send the head of such dog to a laboratory approved by the State Board of Health in the manner prescribed by the rules and regulations of the State Board of Health.

Section 11. There is hereby appropriated to the State Department of Health, out of the General Expenditure Fund in the State Treasury, the sum of thirty thousand dollars to be credited to a trust and agency fund for the purpose of carrying out the provisions of this Act.

Section 12. (1) Any owner who violates Section 3, Section 7 or Section 10 of this Act shall be fined twenty dollars or imprisoned for not more than thirty days. Each day of violation shall constitute a separate offense.

(2) The owner of any dog not vaccinated according to the provisions of this Act shall be liable to pay all damages for personal injuries resulting from the bite of such dog, if rabid.

By Mr. Wathen.

H. B. No. 385. AN ACT relating to members of local boards of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 160.210, Kentucky Revised Statutes, is amended to read as follows:

Members of school boards shall be elected from the district at large.

Section 2. Section 160.260 is amended to read as follows:

In school districts, each voter may vote for as many candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote, and the ballot shall show the number of members to be elected. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected.

Section 3. Subsection (1) of Section 160.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be eligible to membership on a board of education:

(a) Unless he has attained the age of twenty-four years; and

(b) Unless he has been a citizen of Kentucky for at least three years preceding his election and is a voter of the district for which he is elected; and

(c) Unless he has completed the twelfth grade in a standard accredited school as shown by the records of the school in which the twelfth grade was completed or by affidavits of the school authorities under whom the work was completed, or who has previously been elected and served as a member of a local board of education; or

(d) Who holds or discharges the duties of any civil or political office, deputyship or agency under the city or county of his residence; or

(e) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery or any other property, materials, supplies, equipment or services for which school funds are expended; or

(f) Who has been removed from membership on a board of education for cause.

Section 4. Section 160.280 of the Kentucky Revised Statutes is amended to read as follows:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of ten dollars and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board and at the same rate as that provided for state officers, agents and employees under the provisions of Section 44.060 of the Kentucky Revised Statutes. In no case shall the per diem of any member exceed one hundred and fifty dollars per annum. In no case shall the allowance for necessary expenses of any member exceed one hundred and fifty dollars per annum. All claims shall be made

out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

Section 5. Nothing in Section 3 or Section 4 of this Act shall be construed to affect the term of office of members of boards of education elected prior to 1954.

By Mr. Fitzpatrick.

H. B. No. 386. AN ACT relating to the compensation of certain elective state officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.480 of the Kentucky Revised Statutes is amended to read as follows:

"Effective, with respect to the offices of Governor and Lieutenant Governor, on the fifth Tuesday following the regular November election in 1955, and with respect to the other offices named in this section, on the first Monday in January, 1956, the compensation of the following named officers, payable monthly out of the State Treasury, shall be the sum per annum designated for the respective offices, as follows:

Governor, $16,000.

Lieutenant Governor, $7,500, this to be in addition to any per diem received during sessions of the General Assembly while serving in the capacity of President of the Senate, and any compensation received while acting in the place of the Governor.

Attorney General, $12,000.

Superintendent of Public Instruction, $10,000.

Commissioner of Agriculture, Labor and Statistics, $10,000.

Secretary of State, $7,500.

State Treasurer, $7,500.

Auditor of Public Accounts, $7,500.

Clerk of the Court of Appeals, $7,500."

By Mr. Young.

H. B. No. 387. AN ACT to permit County Hospitals to provide liability and indemnity insurance for the protection of their patients against the negligency of their employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. County Hospitals may purchase liability and indemnity insurance for the protection of their patients against the negligence of the employes of such hospitals.

Section 2. The insurance policies shall be issued only by insurance companies authorized to transact business in this state, and shall bind the insurance company to pay any final judgment rendered against the insured employes for the death or injury of any patient, or damage to the property of any patient, resulting from the negligence of such employes.

By Mr. Ratcliffe.

H. B. No. 388. AN ACT relating to sheriffs' fees, and amending Section 64.090 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.090 of the Kentucky Revised Statutes is amended to read as follows:

Sheriffs may charge and collect for the following services the following fees:

Executing and returning process ---------- $1.00

Serving an order of court and return ---------- 1.00

Summoning each witness ---------- .50

Summoning an appraiser or reviewer ---------- .40

Each day's attendance in the county on a jury or attending a surveyor, when ordered by a court ---------- 1.00

Taking any bond that he is authorized or required to take in any action ---------- 1.00

Collecting money under execution or distress warrant, if

the debt is paid or the property sold, or a delivery bond given and not complied with, six percent on the first three hundred dollars and three percent on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by the order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking a recognizance of a witness ..... .50

Levying an attachment 1.50

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee 1.00

Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted 5.00

Serving process or arresting the party in misdemeanor cases, to be paid by the party convicted 6.00

Serving an order or process of revivor 1.00

Executing a writ of possession against each tenant or defendant 6.00

Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.

Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses 5.00

Collecting militia fines and fee-bills, ten percent, to be deducted out of the fee-bill or fine.

Levying for a fee bill 1.00

Serving a notice 1.00

Serving warrants or process of arrest in bastardy cases 5.00

Serving each order appointing surveyors of roads, to be paid out of the county levy ---------- .50

Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant ---------- .50

Like services in cases of private passways to be paid by the applicant ---------- .50

Services rendered in cases in the quarterly courts, the same fees given to constables in all cases where the amount claimed is $50 or under.

Executing each writ of habeas corpus, to be paid by the petitioner ---------- 1.00

All services under a writ issued under KRS 381.460 to 381.570 ---------- 4.00

Attending by himself or deputy all terms of the county courts, and quarterly courts and the allowance per day, shall be allowed by the county judge and paid out of the county levy, not exceeding ---------- 4.00

Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day ---------- 6.00

Performing the duties of jailer, the same fees and allowances that are prescribed for jailers.

For services in summoning Grand and Petit Jurors and performing his duties under KRS 29.160, 29.170 and 29.280 the sheriff shall be allowed, for each person so summoned, and paid out of the State Treasury the sum of ---------- .50

By Mr. Murphy, Mr. Cottengim, and Mrs. Stovall.

H. B. No. 389. AN ACT relating to labor, providing penalties, and repealing, amending and re-enacting KRS 336.130, 336.140, and 336.150.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. SECTION REPEALED. Sections 336.130, 336.140 and 336.150 are hereby repealed, amended and reenacted to read as follows:

Section II. FINDINGS AND POLICY. This chapter shall be deemed an exercise of the police powers of the state for the protection of its public welfare, property, wealth and peace of the people of the state. It is hereby declared the public policy of this state that the best interest of the people of the state are served by the prevention of prompt settlement of labor disputes; that strikes and lock-outs and other forms of industrial strife regardless of where the merits of the controversy lie, are forces productive ultimately of economic waste; it is further declared to be the public policy of the Commonwealth of Kentucky to encourage the practice and procedure of collective bargaining by protecting the exercise of the worker of full freedom of association organization and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

Section III. DEFINITIONS. (1) EMPLOYER—The term "employer" includes any person acting on behalf of or in the interest of an employer of over ten employees, directly or indirectly, but a labor organization or any officer or agent thereof, shall only be considered an employer with respect to individuals employed by such organization.

(2) EMPLOYEE. The term "Employee" shall include any employee and shall include any individual whose work has ceased as a consequence of, or in connection with any current labor dispute, or because of any illegal or unfair labor practice, and who has not obtained any other regular and substantially equivalent employment; and shall not be limited to the employees of a particular employer, but shall not include any individual employed by his parent or spouse or in the domestic service of any person in his home, or any individual employed only for the duration of a labor dispute, or any individual employed as farm laborers.

(3) UNFAIR LABOR PRACTICE. The term "unfair labor practice" means any unfair labor practice listed in Section V.

(4) LABOR DISPUTE. The term "labor dispute" shall include, but is not restricted to, any controversy between employers and employees of their representatives as defined in this section concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to negotiate, fix, maintain, or change terms or conditions of employment, or concerning the violation of any of the rights granted or affirmed by this article, regardless of whether the disputants stand in the proximate relation of employer and employee.

(5) REPRESENTATIVE. The term "representative" includes any individual or labor organization.

(6) PERSON. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

Section IV. REPRESENTATIVES AND ELECTIONS. (1) Employees shall have the right to self organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection. Representatives designated or selected for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes, or by the majority of the employees voting in an election conducted pursuant to this Section, shall be the exclusive representatives of all employees in the appropriate unit for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment. Provided, that employees, directly or through representatives, shall have the right at any time to present grievances to their employer.

(2) The Industrial Commissioner, under the authority of the Act and pursuant to the police powers of this Commonwealth, shall decide in each case whether, in order to insure the employees the full benefit of their right to self organization and to collective bargaining, and otherwise to effectuate the policies

of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit or any other unit or subdivision thereof.

(3) Whenever it is alleged by an employee or his representative that there is a question or controversy concerning the representation of employees, the Commissioner must investigate such question or controversy within ten days and certify, in writing within five days after such investigation, to all parties concerning the name or names of the representatives who have been designated or selected.

(4) Whenever a petition shall have been filed in accordance with such regulations as the Commissioner by virtue of the police powers of this Commonwealth, may prescribe, alleging that an employee or group of employees, or any individual or labor organization acting in their behalf, and alleging that a substantial number of employees wish to be represented for the purpose of collective bargaining, and that their employer declines to recognize their representative as their representatives as defined in Section II, the Commissioner must investigate such petition and within 20 days provide a public hearing upon due notice. If the Commissioner finds upon the record of such hearing that such a question of representation exists, he shall designate an election by secret ballot within 15 days after such determination, and shall certify the results thereof.

(5) The Commissioner shall have power to determine who may participate in the election and to establish the rules governing any such election except that only those employee organizations having a substantial interest in the proceedings shall be entitled to participate in said election. In the event that an election is held during a strike, the striking employees shall be eligible to vote.

(6) In any election where there are two or more nominees on the ballot and none of the choices for exclusive collective bargaining agents receives a majority, a run off shall be conducted provided for a selection between the two receiving the largest and second largest number of valid votes cast in the election, unless the "no" votes receive a majority of the votes cast.

(7) Nothing in this section shall be construed to prohibit the waiving of a hearing by stipulation for the purpose of a consent election, in conformity with regulations and rules established by the Commissioner.

(8) Whenever an order of the Commissioner made pursuant to this article is based in whole or in part upon facts certified following an investigation purusant to any section of this chapter, and there is a petition for the enforcement and review of such order, such certification and the record of such certification shall be included in the transcript of the entire record required to be filed under this chapter, and thereupon the decree of the Court enforcing, modifying, or setting aside in whole or in part the order of the Commissioner shall be made and entered upon the pleadings, testimony and proceedings set forth in such transcript.

Section V. UNFAIR LABOR PRACTICES. It shall be an unfair labor practice for an employer, his agents, or representatives, or an employee, association, organization, or group of employees to discharge or discriminate in regard to hire or tenure of employment or any term or condition of employment against employees because of membership or non-membership in any labor organization; to resort to violence, or threat of violence, in relation to membership or non-membership in a labor organization; and it shall be an unfair labor practice for any employer to refuse to bargain collectively with the representatives of his employees or for a certified representative of his employees to refuse to bargain with the employer. Nothing in this Act shall prevent an employer from making and enforcing an agreement with a labor organization requiring as a condition of employment, membership therein, if such labor organization is a representative of the employees as provided in Section IV in the appropriate collective-bargaining unit covered by such agreement when made.

Section VI. ENFORCEMENT OF THIS ACT. Under this Section the Commissioner is authorized to make rules of procedure under the Act, and that processes and procedure shall be as summary and simple as reasonably possible. The Commissioner shall have the power to appoint assistants and agents

to aid him in carrying out his duties under this Act. The Commissioner is empowered and directed to prevent any employer or his agents, or employees or associations, organizations or groups of employees from engaging in any act or acts in violation of this chapter and upon such findings being made, after due notice to the party charged with said violation, the Commissioner shall, within 10 days thereafter, reduce said finding to writing, and issue an order for said person engaging in such illegal or unfair labor practice to cease and desist from said action, and the Commissioner shall take affirmative or other action as will effectuate the policies of this chapter, including reinstatement of employees with or without back pay. Any person may file charges of alleged violation of this chapter and shall be granted a public hearing before the Commissioner. If upon hearing the testimony the Commissioner shall be of the opinion that the person or persons named in the complaint have not engaged or are not engaging in any such unfair or illegal practices, then the Commissioner shall make his finding of fact and issue an order dismissing said complaint. The Commissioner, for the enforcement of it's orders and for appropriate temporary relief or restraining order, shall within 10 days from said order petition the Circuit Court of the County wherein an alleged violation occurs, or if such court be on vacation or in recess, then the Circuit Court of Franklin County, and shall certify and file in the Court a transcript of the entire record in the proceedings. Upon such filing the Court shall cause a notice thereof to be served upon such person and may enter an order enforcing, modifying, or setting aside in whole or in part the order of the Commissioner. The jurisdiction of the Circuit Court shall be exclusive and the decree shall be final, except that the same shall be subject to review by the Court of Appeals.

The Commissioner or any of his authorized agents or employees shall at all reasonable times have access to and the right to examine copies or list of employees of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Commissioner shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before

him or his authorized agents conducting the hearing or investigation

The Commissioner or his authorized agents may administer oath, examine witnesses and receive evidence.

For the enforcement of the orders of the Commissioner, as provided for in this Act, the cases involved therein shall be set down by the Court of competent jurisdiction, for as early a day as possible for a hearing, and shall in all respects be expedited in the same manner as a declaratory judgment suit.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 115. AN ACT relating to the closing time of public offices and amending Section 61.160 of the Kentucky Revised Statutes.

H. B. No. 134. AN ACT relating to property taxation.

H. B. No. 116. AN ACT relating to the manner of holding elections in cities of the second, third and fourth classes having city manager form of government, and amending subsection (1) of section 89.460 of the Kentucky Revised Statutes.

H. B. No. 98. AN ACT relating to annexation by a third-class city located in two or more counties.

H. B. No. 90. AN ACT relating to agricultural experimentation, and amending Section 247.020 of the Kentucky Revised Statutes.

H. B. No. 22. AN ACT relating to the taxing powers of cities of all classes and amending section 92.281 of the Kentucky Revised Statutes, and declaring an emergency.

H. B. No. 138. AN ACT relating to support of forage, pasture and grassland farming in Kentucky, and to appropriate money therefor.

Thereupon, all other business was suspended, said bills were

read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Morgan moved that the Speaker appoint a committee on arrangements to work with the Senate Committee in arranging for Former Vice President Barkley to speak to a joint session of the Assembly.

Said motion was agreed to.

The Speaker appointed on said committee Mr. Harris, Mr. Smith, Mr. Walsh, Mrs. Stovall and Mr. Morris.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in that body as follows, viz:

S. B. No. 107. AN ACT relating to drainage and reclamation, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The board of drainage commissioners of any county, regardless of the number of drainage districts contained therein, may by resolution of the said board certified to the

county judge, elect for such county to be subject to the provisions of KRS 267.390 3(b) and 267.490.

Section 2. Section 267.010 of the Kentucky Revised Statutes is amended to read as follows: As used in this chapter, unless the context otherwise requires:

(1) "Board" means the county board of drainage commissioners, or, in counties having seventy-five or more separate drainage districts, or in counties availing themselves of the provisions of KRS 267.390 3(b) and 267.490 as provided in Section 1 of this Act, the drainage commissioner.

(2) "District" means drainage or levee district.

(3) "Improvement" means the construction, reconstruction, straightening, widening or deepening of any ditch, drain, canal, creek, levee or watercourse.

(4) "Sheriff" includes any collecting officer.

(5) "Viewers" means the board of viewers appointed by the county court.

(6) The power to appoint includes the power to remove at any time.

Section 3. Section 267.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) In every county where an improvement has been made under former laws or is made under this chapter, except those counties having seventy-five or more separate drainage districts or those counties availing themselves of the provisions of KRS 267.390 3(b) and 267.490 as provided in Section 1 of this Act, the county court shall annually call an election in each district, to be held in the courthouse at the county seat on some day in May designated by the court. At this election the taxpayers of each district shall elect a director to represent the district on the board of drainage commissioners. The county judge shall preside at the election of each district, which shall be by viva voce vote of each member present at the hour designated by the court. The districts of the county shall be numbered by the court, and the elections shall take place in the numerical order of the districts. If any district is not represented at the election, the

county court shall appoint a taxpayer of that district as director to represent the district. The county court shall fill all vacancies by appointment. The call for election shall be made at least ten days before the election by posting notice at the courthouse door and by publishing it in one issue of some newspaper of general circulation.

(2) If the county court fails to carry out any of the provisions of this section, any five taxpayers in any drainage district coming under the provisions of this chapter may call an election, and shall upon the day of the election designate one of their number to act in place of the county judge, with all the rights of the county court under this section.

(3) In counties having seventy-five or more separate drainage districts or in counties availing themselves of the provisions of KRS 267.390 3(b) and 267.490 as provided in Section 1 of this Act, the provisions of KRS 267.010 and 267.490 shall be followed.

Section 3. Subsection 3(b) of Section 267.390 of the Kentucky Revised Statutes is amended to read as follows:

3 (b) In counties having seventy-five or more separate drainage districts or in counties availing themselves of the provisions of this subsection as provided in Section 1 of this Act, when a petition signed by a majority of the land owners in any drainage district is filed with and approved by the drainage commissioner, the latter may levy a maintenance assessment not exceeding thirty percent of the original assessment against the land. The number of assessments which may be levied shall be limited as follows: Where the assessment is ten percent but not over fifteen percent, no more than one assessment may be levied during any eighteen-month period; where the assessment is sixteen percent but not over twenty percent no more than one assessment may be levied during any two-year period; where the assessment is twenty-one percent but not over twenty-five percent no more than one assessment may be levied during any two-and-one-half-year period; and where the assessment is thirty percent but not less than twenty-six percent no more than one assessment may be levied during any three-year period.

Section 4. Subsection (1) of Section 267.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) In all counties having seventy-five or more drainage districts or in all counties availing themselves of the provisions of this Section as provided in Section 1 of this Act, a drainage commissioner shall be appointed as provided in subsection (5) of this section who shall have and exercise all of the powers and duties vested in directors and boards of drainage commissioners elected under the provisions of KRS 267.090 and 267.100. The person so appointed shall hold office for a term of one year and until his successor shall be appointed and qualify. He shall execute bond for the faithful performance of his duties in the penal sum of five thousand dollars, and shall be sworn to faithfully perform the duties of his position to the best of his ability. Any vacancy in said office shall be filled by the board of supervisors.

Ordered printed and referred.

REFERRAL OF BILLS

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill No. 384—Kentucky Statutes No. 1

House Bill No. 385—Kentucky Statutes No. 1

Mr. Rayburn moved that when the House adjourns, it adjourn to meet Friday, February 19, 1954, at 9:00 A. M.

Said motion was agreed to.

Mr. Lowman moved that the House recess for fifteen minutes.

Said motion was agreed to.

Fifteen minutes having expired, the Speaker resumed the chair.

Mr. Wathen moved that the rules of the House be suspended for the purpose of having committee reports.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 384. AN ACT relating to rabies control and making an appropriation therefor.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wathen, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 385. AN ACT relating to members of local boards of education.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Lowman moved that the House adjourn until 9:00 A. M., Friday, February 19, 1954.

Said motion was agreed to.

And the House did then adjourn.

FRIDAY, FEBRUARY 19, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Robert J. Laughlin, Pastor of the First Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Leo A. Bleemel	Harry M. Caudill
Walter J. Bailey	J. Murray Blue	Cassius M. Clay
John Rhea Banton	J. C. Bradley	Paul Cobb
Clarence J. Barnum	Edward T. Breathitt, Jr.	William J. Conley
Wallace Bartley	Edward O. Bridgers	R. Josh Cosby
Charles E. Baumgardner, Sr.	John Young Brown	Charles W. Craig
Owen Billington	Charles W. Buchanan	W. Marvin Davis
		John L. Day
		Albert Dempsey

C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Ockerman moved that the reading of the Journal of the proceedings of Thursday, February 18, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Ockerman moved that H. B. No. 365 be made a special Order of the Day for Tuesday, February 23, 1954, at 1:30 P. M.

Mr. Weintraub moved to amend said motion by inserting the word "Wednesday" in lieu of the word "Tuesday."

With the consent of the House, Mr. Weintraub withdrew said amendment to the motion of Mr. Ockerman.

There being no objection, Mr. Ockerman withdrew the motion that H. B. No. 365 be made a special Order of the Day for Tuesday, February 23, 1954.

Mr. Wathen moved that H. B. No. 130 be made a special order for 9:45 today.

Said motion was agreed to by voice vote.

Mr. Day moved that H. B. No. 246 be recommitted to the committee to which it had been previously referred for further study.

Mr. Rouse rose to a point of order, the time having arrived for the special order on H. B. No. 130.

The Speaker ruled that Mr. Rouse's point was well taken, and declared Mr. Day's motion to recommit H. B. No. 246 out of order.

SPECIAL ORDER OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 130. AN ACT relating to judicial districts, creating an additional district, and making changes in the apportionment and allocation of counties of the Twenty-seventh, Thirty-fourth and Forty-first Judicial Districts, in order to comply with the meaning and intent of the Constitution of the Commonwealth of Kentucky with respect to the division of the Commonwealth into judicial districts; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The legislative body of any city of the first class is hereby authorized and empowered to exercise all the rights, powers, franchises, and privileges not in conflict with any statute now or hereafter enacted which such legislative body shall deem requisite for the welfare of the inhabitants of such city, and for the effectual administration of all local government now or hereafter within its territorial limits, to the same extent and with the

same force and effect as if the General Assembly had by this Act granted and delegated to the legislative body of such city all the authority that it is within the power of the General Assembly to grant.

Section 2. This act is intended to enable the legislative body of any city of the first class to enact, amend, and repeal local ordinances or resolutions for the purpose of exercising fully and completely the powers granted by the terms and within the spirit hereof. Nothing in this Act shall be construed to abolish or curtail any existing statute, or any power or rights heretofore conferred upon or delegated to such city, or to any board, body, or officer thereof, nor to restrict the powers of the General Assembly to pass laws regulating matters of State concern or provide by general laws for the Government of cities of the first class.

Section 3. The powers herein granted shall be in addition to all other powers granted to cities by other provisions of law. A permissive procedure authorized by this Act shall not be deemed to be exclusive or to prohibit the use of any other procedure authorized by any Act of the General Assembly or local law but shall be deemed an alternative thereto.

With Committee Amendment attached thereto as follows:

Amendment No. 1—On page 5, section 9, lines 21 to 29 By deleting therefrom said lines and substituting in lieu thereof the following:

Forty-first District, Leslie County, at Hyden, on the first Monday in March, first Monday in July, first Monday in November, for twenty-four juridical days each;

Clay County, at Manchester, on the first Monday in January, first Monday in May, first Monday in September for thirty juridical days each.

Jackson County, at McKee, on the second Monday in February, second Monday in June, second Monday in October for eighteen juridical days each.

Mr. Lowman moved the adoption of the Committee Amendment.

Said motion was agreed to.

Said amendment was adopted.

Mr. Routh moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Routh moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	William J. Conley	Harold G. Helm
Walter J. Bailey	R. Josh Cosby	Lon C. Hill
John Rhea Banton	Vernor O. Cottengim	Estill R. Hilton
Clarence J. Barnum	W. Marvin Davis	Chester J. Holsclaw
Charles E. Baumgardner, Sr.	John L. Day	William M. Horn
Owen Billington	C. E. Dowell	William L. Jones
Leo A. Bleemel	James A. Dressman, Jr.	Jennings H. Kearby
J. Murray Blue	Harold Edmonds	George H. Lovelace
J. C. Bradley	Herbert Fern	Harry King Lowman
Edward T. Breathitt, Jr.	Thomas P. Fitzpatrick	Shelby McCallum
Edward O. Bridgers	W. L. Hadden	Ralph E. McClanahan
Paul Cobb	C. Ruby Harralson	William E. Maglinger
	George F. Harris	Damon Majors

William C. Mann	Paul T. Ratcliffe	James Treadway
William J. Marcum	Jack Raybourne, Jr.	Eulick Walsh
Carl D. Melton	Hobart Rayburn	Will Tom Wathen
Tom Mobley	L. M. Tipton Reed	W. W. Webster
Robert K. Montgomery	Russell Reynolds	Morris Weintraub
	Lloyd E. Rogers	William B. Wells
Walter R. Moorman	Joe Rouse	Warren D. Williams
Fred Morgan	William A. Routh	Mrs. Randolph Wilson
Thomas J. Murphy	Cecil C. Sanders	
Goebel W. Newsom, Jr.	W. R. Smith	T. D. Winstead
	Mrs. Thelma L. Stovall	Walker H. Wiseman
Foster Ockerman		Dr. Clyde D. Wooton
Louis T. Peniston	E. H. Stumbo	Paul E. Young
Edward D. Pollitte	C. Waitman Taylor	—75

Those who voted in the negative were—

Wallace Bartley	O. O. Duncan	James W. Lambert
Charles W. Buchanan	David Heskamp	Caleb McFadden
	Henry R. Heyburn	Alton B. Mitchell
Charles W. Craig	Varna Holt	LeRoy Saylor
Albert Dempsey		—12

Resolved that the title thereof be as aforesaid.

Mr. Routh moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in the House as follows, viz:

H. B. No. 287. AN ACT relating to Banks and Banking and amending KRS Sections 287.180 and 287.070.

Ordered that said bill be delivered to the enrolling clerk.

H. Res. No. 6. A JOINT resolution inviting Adlai E. Stevenson to address a joint session of the General Assembly.

H. Res. No. 10. A JOINT RESOLUTION petitioning Con-

gress to provide for the canalization and impounding of the Big Sandy River.

H. Res. No. 19. A JOINT RESOLUTION expressing support of the Tennessee Valley Authority.

H. Res. No. 35. A JOINT RESOLUTION eulogizing Harry F. Walters and naming a memorial in his honor.

H. Res. No. 36. A JOINT RESOLUTION authorizing the recognition of the one hundredth anniversary of the founding of Berea College, Berea, Kentucky, and providing that the Government and people of the Commonwealth of Kentucky share in the observance of this anniversary, etc.

Ordered that said resolutions be delivered to the Chief Clerk of this House.

A message was received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 76. AN ACT relating to absent voting, and amending Sections 126.140, 126.150, 126.160 and 126.210 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 126.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Absent voter" means any qualified voter who expects in the course of his business or duties to be absent from the county in which is situated his voting precinct on the day of holding any election, or any person who expects to be unable to appear at the polling place in his voting precinct, because of sickness or physical disability, on the day of holding any election.

(2) "Election" means any regular election, primary election or special election, for any federal, state, district, county or city office, including school district offices, and any election upon a public question.

Section 2. Section 126.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any absent voter may, at any time not less than ten days before an election, make an application in writing, on the form prescribed in KRS 126.160, to the clerk of the county court of the county of his residence, for an absent voter's ballot.

(2) The application of an absent voter who expects to be unable to appear at the polling place because of sickness or physical disability, shall be accompanied by the affidavit of a licensed physician stating the name of the absent voter, and that in his opinion it will be impossible for said absent voter to appear on election day at the polling place in the precinct in which he is registered, and shall state the reason therefor.

Section 3. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county clerk, or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form: "County Court Clerk of _____ County,_____ Kentucky. "I, _____, state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of _____ County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties or expect to be unable to appear at the polling place because of sickness or physical disability at the election to be held on the _____ day of _____ 19_____, and will not vote elsewhere at said election, and am a resident of _____ precinct of said county (or _____ ward of the city of _____, county of _____), and have been such for at least sixty days prior to said date; that I reside at _____ (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least twenty-one years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; I request that an official ballot be mailed to me

at the following address: _____
(Name and address)
_____
(Rank and unit if member of Armed Forces)
_____
(Department of United States Government if an employe or the
_____
wife of an employe stationed abroad)
_____
(Voter must sign here, and oath must be administered and Attested.)
"Subscribed and sworn to before me this _____ day of _____, 19_____
_____
(Name and Official Title)".

Section 4. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter _____ Residence (street number, if any) _____ County _____ City or Town of _____ On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least twenty-one years or will be on the day of the election to be held on the _____ day of _____, 19_____ (here insert the day of the election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of _____ for more than six months preceding such election, and a resident of _____ precinct of said county (or _____ ward of the city of _____, County of _____)

at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the _____ political party; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election or expect to be unable to appear at the polling place, because of sickness or physical disability.

_____

(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this _____ day of _____ _____

(Official Title)

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

S. B. No. 122. AN ACT relating to private corporations; and amending Section 271.025 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 271.025 of the Kentucky Revised Statutes is amended to read as follows:

Any natural person of the age of twenty-one years or more, or any corporation, may form a corporation for any lawful purpose, and may own and hold all or any number of the shares of stock of any corporation organized under the provisions of Chapter 271 of the Kentucky Revised Statutes.

S. B. No. 121. AN ACT relating to the purposes for which proceeds of bonds issued to meet the needs of city universities and colleges may be used.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 165.100 of the Kentucky Revised Statutes is amended to read as follows:

The money derived from the bonds issued under authority of KRS 165.080 shall be used to meet the needs of the university. The authorized use includes the payment for real estate and buildings purchased or to be purchased, the erection and alteration of improvements, and the securing of proper equipment, but does not include the payment of salaries or operating expenses or the payment of any existing indebtedness incurred as an operating expense.

Said bills ordered printed and referred.

Mr. Moorman moved that the House recess for 20 minutes.

Said motion was agreed to.

The twenty minutes having expired, the Speaker resumed the chair.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Holsclaw.

H. Res. No. 56. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study and report of the conditions of retail installment financing in Kentucky.

Said resolution is as follows, viz:

WHEREAS, there is considerable interest in the problem of retail installment financing in Kentucky; and

WHEREAS, the legislation has been proposed for the purpose of correcting this problem in the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Legislative Research Commission be and it is authorized and directed to make a comprehensive study of all classes of retail installment sales and contracts, taking into consideration the specific goods involved and the availability

of credit facilities to individuals who do not have security generally required by commercial banks.

(a). That the Commissioner of Banking shall assist and advise with the Legislative Research Commission in making said study.

2. That the Legislative Research Commission shall submit to the next General Assembly the findings and recommendations of the study hereby authorized and directed.

By Mr. McCallum and Mr. Jones.

H. Res. No. 57. A JOINT RESOLUTION providing for erection of a marker at the grave of Matthew Lyon, for the construction of a Park Around and about his burial place, and for the improvement of road by which said burial place is reached, and making the burial place of Matthew Lyon a state shrine.

Said resolution is as follows, viz:

WHEREAS, Matthew Lyon (1750-1822) was distinguished patriot, with a notable record of service as a Revolutionary War Soldier, as a member of Ethan Allen's famous military organization, Green Mountain Boys; and

WHEREAS, he was closely associated with a number of patriotic leaders in the early days of the Republic, and was connected by marriage with three prominent families of those days, his first wife having been a niece of the famed Ethan Allen, and his second wife a daughter of Thomas Chittenden, the first Governor of Vermont; and

WHEREAS, he was a leader in the struggle for the establishment and maintenance of democratic principles and practices, opposing monarchial customs and tendencies, and especially distinguishing himself by his militant opposition to the Alien and Sedition Laws, as a result of which he suffered imprisonment; and

WHEREAS, leaving prison a hero in the eyes of his fellow citizens of Vermont because of his able and valiant championship of the rights and liberties of the people, he became a member of the Lower House of Congress, where he served four years; and

WHEREAS, while a member of Congress he cast the de-

ciding vote in the historic contest for the Presidency of the United States between Thomas Jefferson and Aaron Burr, resulting, in the election of his friend and associate, Jefferson; and

WHEREAS, in the year 1799, his restless and pioneering spirit led him to seek out a new location in the unsettled area of Western Kentucky, and he, with a few fellow emigrants, founded the town of Eddyville; and

WHEREAS, he resided at Eddyville for nineteen years, operating ship-yards, iron mills, a paper mill, a grist mill, saw mills and a tannery, making the town of Eddyville a commercial center and one of the two or three most important points in Western Kentucky in the early 1800s, a position maintained for half a century; and

WHEREAS, he pioneered, in Vermont, in manufacturing paper from wood plup, and has been recognized for his discovery or invention of this process and application of same as worthy of consideration along with Benjamin Franklin and Eli Whitney and other early American inventors; and

WHEREAS, while a resident of Kentucky, he served eight years as a member of the Lower House of Congress from his District; and

WHEREAS, upon being appointed by President James Monroe as Factor to the Cherokee Indian Nation in the Territory of Arkansas, he removed to that Territory and resided there until his death; and

WHEREAS, it has been written of him—

> "Matthew Lyon died at Spadra Bluff on the 1st of August, 1822, lamented by the whole American people; a man of action and deeds which left their impress on his times; a patroit in every fibre, whose vote made a President; a pioneer along whose pathway Romance walked side by side with History; a hero whose memory is cherished in Kentucky and Vermont among the foremost and bravest of their sons"; and

WHEREAS, the remains of Matthew Lyon were re-interred at Eddyville eleven years after his death, as narrated by an associate as follows:

"The remains of Matthew Lyon were interred at Spadra Bluff, but in the year 1833, his son, Chittenden Lyon, and other members of Col. Lyon's family resolved to transfer the body to Kentucky, and re-inter it at Eddyville. This was accordingly done, and the ceremonies of the reburial drew together an immense assemblage of the friends of Matthew Lyon. A handsome monument was erected over the grave, with suitable inscriptions commemorative of the founder of Eddyville. Old men still living remember the impressive services, and speak of the bringing home of 'bell and burial' for the beloved founder, as the most solemn event in the history of the town"; and

WHEREAS, the remains of Matthew Lyon lie in Riverview Cemetery in Eddyville, by the side of those of his daughter, Lorraine Lyon, who was the first person to be buried in said cemetery, and also in close proximity to the graves of two of his sons, viz., Chittenden Lyon and Matthew Lyon, Jr., the former of whom served his District in the Lower House of Congress, and for whom the County of Lyon was named, and also to the graves of others of the old patriot's descendants, among them his grandson, Gen. Hylan B. Lyon:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That in tribute to the memory of Matthew Lyon, the State Historical Society is hereby authorized and directed to cause to be erected at his grave a suitable and appropriate marker, and to refurbish his grave and the stone now marking it and also the graves and marking stones of his immediate family descendants; and that the Department of Welfare with the use of prison labor cause to be laid out around and about said graves a Park; and that the State Department of Highways be, and it is hereby requested, to suitably and appropriately improve the road, about six-tenths of a mile in length, by which said cemetery is reached, so as to render access easy and convenient for the one combined purpose of making said part of said cemetery a shrine for the interest and gratification of all patriotic citizens of Kentucky and the United States.

By Mr. Dempsey.

H. Res. No. 58. A JOINT RESOLUTION authorizing Howard A. See, Guardian of Garred C. See, an infant, and A. T. See, father of Garred C. See, an infant, to sue the Department of Highways and the Commonwealth of Kentucky, either or both.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Howard A. See, guardian of Garred C. See, an infant, and A. T. See, father of Garred C. See, an infant, be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate Garred C. See for the injuries and damages, if any, and A. T. See for the expenses, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents, officers and employees, in maintaining the right of way of U. S. Highway number 23 in Lawrence County, Kentucky.

Section 2. Said suit on behalf of Garred C. See, an infant, shall be for a sum not in excess of $12,755.29, and said suit by A. T. See shall be for a sum not in excess of $2,294.71.

Section 3. That the actions herein authorized and permitted may be brought in the Lawrence Circuit Court, same being the Circuit Court having jurisdiction in Lawrence County, Kentucky, the county in which the damages and injuries suffered by Garred C. See were incurred, and the county in which the injuries causing the expenditures by A. T. See were incurred. Said suits shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to either of such actions may appeal from any judgment which may be entered by the Lawrence Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General

of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Smith.

H. B. No. 390. AN ACT relating to municipally owned utilities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every city having gas, water, light and sewage disposal facilities, or any one of such facilities, shall furnish service from such facilities to the inhabitants of territories annexed by such cities within one year from the date of the initial collection of city taxes from the residents of the territories annexed.

By Mr. Anderson and Mrs. Stovall.

H. B. No. 391. AN ACT relating to an exception to the requirement of separate schools for white and colored student,s as provided by Section 158.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The provisons of KRS 158.020 shall not apply to any non-tax-supported institution of learning whose governing authorities elect to admit students of both the white and colored races. Such institution may limit the election to certain institutions, grades, or prescribed courses of learning.

By Mr. Wathen.

H. B. No. 392. AN ACT relating to fees of county court clerks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new Section of the Kentucky Revised Statutes is created to read as follows:

For recording chattel mortgages, the county court clerk shall receive a fee of one dollar and fifty cents for each instrument. For recording a release or assignment where made by a separate instrument, the county court clerk shall receive a fee of seventy-five cents for each instrument. For recording, entering or noting an assignment or release, the county court clerk shall receive a fee of twenty-five cents for each instrument. For preparing certified copies of chattel mortgages, the county court clerk shall receive a fee of one dollar for each page or portion thereof.

Section 2. Section 382.700 of the Kentucky Revised Statutes is appealed.

By Mr. Bleemel, Mr. Ratcliffe, Mr. Moorman, Mr. Young and Mr. Buchanan.

H. B. No. 393. AN ACT relating to per diem and expenses allowed members of county boards of education, setting an effective date, and amending Section 160.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of ten dollars and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the expense or per diem of any

member exceed two hundred dollars per annum. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

Section 2. This Act shall become effective on July 1, 1954.

By Mr. McCallum, Mr. Morgan and Mr. Burnley.

H. B. No. 394. AN ACT relating to the terms of court in the Marshall County Circuit Court.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In addition to the terms of court prescribed by KRS 23.050 (2) and an Act of the 1954 General Assembly entitled "AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Second, Third and Fourth Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; providing for the continuation in office of the present circuit judges and Commonwealth's attorneys and creating the offices of circuit judge and Commonwealth's attorney for the new district established by this Act; providing for the holding of court in each district affected by this Act; and amending Sections 23.040 and 23.050 of the Kentucky Revised Statutes", effective June 28, 1954, there shall be a regular term of circuit court in Marshall County, for the year 1954 only, commencing on the first Monday in July, 1954 and continuing, if the business requires it, for eighteen juridical days.

By Mr. Holsclaw.

H. B. No. 395. AN ACT relating to barbers and beauty specialists, and repealing Chapter 317 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Chapter 317 of the Kentucky Revised Statutes is hereby repealed.

COMMITTEE REPORTS

Mr. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 154. AN ACT relating to the licensing and regulating of milk and cream buyers, testing, weighers, and samplers, and repealing KRS 260.170 through 260.270, and subsections (3) and (4) of KRS 260.990.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Moorman, Chairman of the Committee on Agriculture, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 338. AN ACT relating to mechanic's and materialmen's lien providing for lien on growing crops, and amending subsection (1) of Section 376.010 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 5. AN ACT authorizing persons who have attained the age of fourteen years to be given a special license to operate motor vehicles and to require manufacturers of motor scooters and bicycles to stencil place of manufacture and horsepower on their vehicles.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

S. B. No. 83. AN ACT relating to property escheated to the state.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 281. AN ACT relating to the compensation of sheriffs in counties containing less than seventy-five thousand persons, amending Sections 134.290 and 134.310 of the Kentucky Revised Statutes and declaring an emergency.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been referred, reported favorably a bill of the following title, viz:

H. B. No. 324. AN ACT relating to barbers and beauty specialists.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Holsclaw, Chairman of the Committee on Ways and Means, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 291. AN ACT relating to the terms of fiscal courts, enabling fiscal courts to hold monthly special terms, declaring an emergency, and amending Section 67.090 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Banton, Chairman of the Committee on Cities of the Fourth Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 292. AN ACT changing the classification of the City of Flatwoods in Greenup County.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Kearby, Chairman of the Committee on Claims, to which the same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 24. A RESOLUTION authorizing Lloyd Metcalf to sue the Commonwealth of Kentucky and the Department of Conservation of Kentucky, or either of them.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Kearby, Chairman of the Committee on Claims, to which the same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 37. A JOINT RESOLUTION authorizing Nannie Mae Kelly and her husband, Herbert Kelly, to sue the Commonwealth of Kentucky and the State Fair Board, or either of them.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Kearby, Chairman of the Committee on Claims, to which the same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 46. A JOINT RESOLUTION authorizing the personal representative of Emmett Hutchinson, deceased, Thomas Hutchinson, Sr., deceased, Mrs. Rose Hutchinson, deceased, and Terry Hutchinson, deceased, and each or all of them, of Christian County, to sue the Commonwealth of Kentucky and the Department of Highways, either or both.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Sanders, Chairman of the Committee on Public Utilities, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 217. AN ACT relating to the furnishing of gas by gas pipe-line companies, and amending Section 278.485 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe-line company in this Commonwealth obtaining gas from wells located within this Commonwealth, shall, upon the request of persons living within one-half air miles of said company's gas well or gas pipe line, furnish service to such persons at rates determined by the Public Service Commission; provided, that nothing contained herein shall be construed as requiring any gas pipe-line company to serve any such persons from lines established on the discharge side of any compressor station.

With Committee Amendment thereto by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe-line company in this state, obtaining gas from wells located within this state, shall, upon the request of any resident of the county in which such gas well or gas pipeline is located, furnish service to such person at rates determined by the Public Service Commission. The person making such request shall construct a line leading from the property which he desires to be served to the company pipe-line, and shall make the connection with the company pipe-line under supervision of the company and shall furnish all the equipment for said connection at his own expense.

With an expression of opinion that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

S. B. No. 84. AN ACT relating to length of validity of recorded chattel mortgages, and amending Section 382.720 of the Kentucky Revised Statutes.

H. B. No. 296. AN ACT relating to the Youth Authority, and amending Sections 208.570 and 208.580 of the Kentucky Revised Statutes.

H. B. No. 297. AN ACT relating to public improvements, amending KRS 94.297.

H. B. No. 298. AN ACT, relating to the Department of Finance.

H. B. No. 299. AN ACT, relating to motor transportation and motor vehicles.

H. B. No. 309. AN ACT relating to the uniform reciprocal enforcement of support for dependents, etc.

H. B. No. 310. AN ACT, relating to claims allowed by courts payable from the State Treasury, etc.

H. B. No. 312. AN ACT relating to the issuance of notes in anticipation of revenue.

H. B. No. 313. AN ACT relating to the conveyance of prisoners.

H. B. No. 315. AN ACT relating to children, and etc.

H. B. No. 314. AN ACT, relating to fees and expenses paid out of the State Treasury to witnesses.

H. B. No. 325. AN ACT relating to interstate toll bridges, amending Chapter 180 of the Kentucky Revised Statutes.

H. B. No. 326. AN ACT relating to investments in real property by insurers.

H. B. No. 327. AN ACT relating to fire prevention and protection.

H. B. No. 328. AN ACT relating to toll bridges, amending KRS 180.130.

H. B. No. 329. AN ACT relating to insurance, and amending certain sections of Chapter 304 of the Kentucky Revised Statutes.

H. B. No. 202. AN ACT relating to property taxation.

H. B. No. 303. AN ACT relating to assistant Attorneys General.

H. B. No. 185. AN ACT relating to county alcoholic beverage control administrators.

H. B. No. 270. AN ACT relating to places of entertainment, etc.

H. B. No. 316. AN ACT relating to zoning and planning in cities of the first class, etc.

H. B. No. 290. AN ACT providing for the regulation of the practice of optometry; etc.

H. B. No. 384. AN ACT relating to rabies control and making an appropriation therefor.

H. B. No. 385. AN ACT relating to members of local boards of education.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Martin moved that the House adjourn until 1:00 P. M. Tuesday, February 23, 1954.

Said motion was agreed to.

And the House did then adjourn.

TUESDAY, FEBRUARY 23, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Rector of the Church of the Ascension, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith

Mrs. Thelma L. Stovall	W. W. Webster	Charles W. Wirsch
E. H. Stumbo	Hicks Wells	Walker H. Wiseman
C. Waitman Taylor	William B. Wells	Dr. Clyde D. Wooton
James Treadway	Warren D. Williams	Charles W. Burnley,
Eulick Walsh	Mrs. Randolph Wilson	Speaker
Will Tom Wathen	T. D. Winstead	—93

Mr. Lowman moved that the reading of the Journal of the proceedings of Friday, February 19, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Wathen moved that H. B. No. 385 be recommitted to the committee to which it had been previously referred for further consideration.

Said motion was agreed to.

Mr. Day moved that H. B. No. 246 be recommitted to the Committee on Ways and Means, to which it had been previously referred.

Said motion was disagreed to by voice vote.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Williams and Mr. Bridgers.

H. B. No. 396. AN ACT relating to installment sales contracts of motor vehicles.

Said bill is as follows, viz:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Motor vehicle" means any self-propelled device in which, upon which, or by which any person or property is or may be transported or drawn upon a public highway, including all motor vehicles designated by the manufacturer as passenger cars, but excepting all tractors, all trailers, and semi-trailers, buses, trucks, power shovels, road machinery, agricultural machinery

and other machinery not designated primarily for highway transportation, but which may incidentally transport persons or property on a public highway, and excepting such devices which move upon or are guided by a track or travel through the air;

(2) "Person" means an individual, partnership, association, corporation, joint stock company or any other group of individuals however organized;

(3) "Installment buyer" or "buyer" means the person who buys, hires or leases a motor vehicle under any installment sale contract or any legal successors in interest to such person, and shall continue to designate such person notwithstanding he may have entered into one or more extensions, deferments, renewals or other revisions of the original contract;

(4) "Installment seller" or "seller" means a person engaged in the business of selling, offering for sale or hiring or leasing motor vehicles under installment sale contracts or any legal successor in interest to such person. The term "business" as herein used shall not include an isolated sale;

(5) "Holder" means any person, including a seller, who is currently entitled to the rights of a seller under an installment sale contract;

(6) "Sales finance company" means a person engaged as principal, agent or broker in the business of financing or soliciting the financing of installment sale contracts made between other parties, including but not thereby limiting the generality of the foregoing, the business of acquiring, investing in or lending money or credit on the security of the retail seller's interest in such contracts whether by discount, purchase or assignment thereof, or otherwise; Provided, that the term shall not include any person, banking institution or sales finance company that takes assignments of, or an interest in, an aggregation of installment sale contracts only as security for bona fide commercial loans under which, in the absence of default or other bona fide breach of the loan contract, ownership of such contracts remains vested in the assignor and collection of payments on such contracts is made by the assignor, nor any person who purchases installment sale contracts from a sales finance company or a banking institution. The term shall include any person, who as a

seller finances installment sale contracts for himself or other sellers or sales finance companies;

(7) "Retail sale" means the sale of a motor vehicle for use by the buyer, or for the benefit or satisfaction which the buyer may derive from the use of the motor vehicle by another;

(8) "Installment sale contract" means any contract for the retail sale of a motor vehicle including both (a) the motor vehicle order contract and (b) the chattel mortgage or conditional sales agreement, or agreement which has a similar purpose or effect under which part or all of the price is payable in two or more scheduled payments subsequent to the making of such contract or as to which the obligor understakes to make two or more scheduled payments or deposits that can be used to pay part or all of the purchase price, whether or not the seller has retained a security interest in such motor vehicle or has taken a chattel mortgage, hire purchase agreement or any other form of contract which has a similar purpose of effect: Provided, however, that the terms shall not include any sale or contract for sale upon an open book account, wherein the seller has not retained or taken any security interest in the motor vehicle sold or any collateral security for the buyer's obligation, and wherein the buyer is not required to pay any sum other than the cash price of the motor vehicle sold in connection with such sale or extension of credit, and wherein the buyer is obligated to pay for the motor vehicle in full within ninety days from the time the sale or contract for sale was made. These terms shall also mean and apply to any extension, deferment, renewal or other revision of such installment sale contract;

(9) "Cash price" means the price measured in dollars at which the seller would in good faith sell to the buyer or to any other buyer under like circumstances, and the buyer would in good faith buy from the seller, the motor vehicle which is the subject matter of the installment sale contract, if such sale were a sale for cash instead of an installment sale;

(10) "Down payment" means all partial payments whether made in cash, or otherwise, received by or for the benefit of the seller prior to or substantially contemporaneous with either the

execution of the installment sale contract or the delivery of the goods sold thereunder, whichever occurs later;

(11) "Principal amount financed" means the unpaid cash price balance after deducting the down payment, adding any insurance premiums required or obtained as security for or by reason of the sale of a motor vehicle under an installment sale contract, and adding other costs necessary or incidental to the sale of the motor vehicle under such contract, which the seller contracts to pay on behalf of the buyer, and for the amount of which the seller agrees to extend credit to the buyer and for which the buyer contracts voluntarily;

(12) "Finance charge" means the amount of the consideration in excess of the cash price which the buyer is required to pay to the seller for the credit extended by the seller to the buyer in conjunction with the sale of a motor vehicle under an installment sale contract, or it shall mean the differential between the cash sale price of the motor vehicle and the installment sale price, exclusive of insurance premiums and other costs necessary or incidental to an installment sale, which are specifically authorized by this Act to be included in an installment sale contract;

(13) "Time balance" means the sum of the principal amount financed and the finance charge;

(14) "Security interest" means any property right in the motor vehicle which is the subject of an installment sale contract, whenever such right is retained, to secure performance of any obligation fo the buyer under such contract, any extension, deferment, renewal or other revision thereof and the term shall include any lien or encumbrance against such motor vehicle, any mortgage interest in such motor vehicle, and any reservation of title to such motor vehicle, whether or not expressed to be absolute, whenever such title is in substance retained for security only;

(15) "Collateral security" means any security, other than a security interest in a motor vehicle, which is the subject of an installment sale contract, which is given to secure performance of any obligation of the buyer or of any surety or guarantor for him under an installment sale contract, extension, deferment, renewal or other revision thereof, and the term shall include the

undertakings of any surety or guarantor for the buyer and any interest in encumbrance on or pledge of real or personal property other than the motor vehicle which is the subject of the installment sale contract.

Section 2. (1) Every motor vehicle order contract shall be in writing and shall contain or have attached thereto all of the agreements between the buyer and the seller relating to the installment sale of the motor vehicle sold and shall be signed by both the buyer and the seller.

(2) Every motor vehicle order contract shall be completed as to all essential provisions prior to the signing of such contract by the buyer.

(3) An exact copy of the motor vehicle order contract shall be furnished by the seller to the buyer at or before the time the buyer receives the motor vehicle. Such buyer's copy of the contract shall contain the signature of the seller identical with such signature on the original contract. Such copy shall be furnished to the buyer without charge.

(4) An exact copy of the chattel mortgage, or the conditional sales agreement, shall be available to the buyer within fifteen days after the delivery of the motor vehicle.

(5) Every installment sale contract, except those described in Section 12 hereof, shall provide for weekly, semimonthly or monthly payment of the time balance in substantially equal periods and in substantially equal amounts: Provided, however, that when appropriate for the purpose of facilitating payment in accordance with a buyer's intermittant income, a contract may provide for payment on a schedule which reduces or omits payments over any period or periods in which the buyer's income is reduced or suspended: And, provided further that this subsection shall not apply to installment sale contracts made between an installment seller and an installment buyer who is an employe of such installment seller.

Section 3. (1) Every motor vehicle order contract shall state the full names and addresses of all the parties thereto, the date when signed by the buyer and shall contain a description of

the motor vehicle sold which shall be sufficient for accurate identification.

(2) Every motor vehicle order contract shall set forth the following separate items as such and in the following order:

(a) Cash price of the motor vehicle. This amount may include any taxes and costs of agreed upon accessories and installation of same.

(b) Down payment made by the buyer at the time of or prior to execution of the contract, indicating whether made in cash, or represented by the agreed value of a "trade-in" motor vehicle, or other goods, or both. The amount of cash or the value of any "trade-in" or both shall be shown separately. A description of the "trade-in", if any, sufficient for identification shall be shown.

(c) Unpaid cash price balance, which shall be the difference between the cash price and the down payment.

(d) Insurance premiums pertaining to the operation of the automobile for the payment of which the seller agrees to extend credit to the buyer. The terms of such insurance and a concise description of the coverage shall be set forth. If the precise cost of the insurance is not available at the time the contract is signed, an estimated amount, ascertained from the current published applicable manual of a recognized standard insurance rating bureau may be set forth in the contract. The seller shall, within twenty-five days after making the installment sales contract, mail or cause to be mailed to the buyer at his address as shown on the installment sales contract a certificate or policy of insurance and a statement, showing exact cost thereof.

(e) Other costs, necessary or incidental, which the seller contracts to pay on behalf of the buyer and for the amount of which the seller agrees to extend credit to the buyer as authorized by this Act. Such costs shall be itemized in the contract as to nature and amount.

(f) Principal amount financed, which shall be the total of the unpaid cash price balance plus the insurance premium, plus other costs for which the seller agrees to extend credit to the buyer.

(g) Finance charge, which is the consideration in excess of the cash price, excluding insurance premium and other costs which the buyer agrees to pay to the seller for the privilege of purchasing the motor vehicle under the installment sale contract. Provided, that the finance charges need not be stated before the buyer signs the motor vehicle order contract and if not then stated the following statement shall be made on the motor vehicle order contract: "Finance charges will not exceed the rates allowed in the Installment Sales Act." Provided that the finance charge shall be stated thereon before the contract is delivered to the buyer at the time he receives the motor vehicle.

(h) Time balance, if finance charge is stated, which shall be the total of the principal amount financed plus the finance charge and which shall represent the total obligation of the buyer which he agrees to pay in two or more scheduled payments.

(3) Every motor vehicle order contract shall state clearly any collateral security taken for the buyer's obligation under the contract.

Section 4. (1) No motor vehicle order contract shall be signed by any party thereto unless it contains all of the information and statements required by this Act.

Section 5. Any sales finance company hereunder may purchase or acquire from any seller any installment sales contract on such terms and conditions as may be agreed upon between them. No filing of the assignment, no notice to the buyer of the assignment, and no requirement that the seller shall be deprived of dominion over the payments thereunder or the goods covered thereby if repossessed by the seller shall be necessary to the validity of a written assignment of an installment sales contract as against creditors, subsequent purchasers, pledgees, mortgagees and lienees of the seller.

Section 6. (1) The buyer of a motor vehicle under an installment sale contract may be required to provide insurance acceptable to the seller or subsequent holder on such motor vehicle at the buyer's expense for the protection of the seller or subsequent holder. Such insurance shall be limited to insurance against substantial risk of damage, destruction or theft of such

motor vehicle. Substantial risk of damage or destruction shall be construed as amounts over fifty dollars. Such insurance may be purchased from agencies of the buyer's own choosing.

Section 7. (1) In addition to the insurance premiums, the seller under an installment sale contract may require the buyer to pay certain other costs incurred in the sale of a motor vehicle under such contract as follows:

(a) Fees, payable to the state for filing a lien or encumbrances on the certificate of title to a motor vehicle sold under an installment sale contract or collateral security thereto.

(b) Fees, payable to a public official, for filing or recording and satisfying or releasing the installment sale contract or instruments securing the buyer's obligation.

(c) Fees for notarization required in connection with the filing and recording or satisfying and releasing a mortgage, lien or encumbrance.

(2) The seller of a motor vehicle under an installment sale contract may also contract with the buyer to pay, on behalf of the buyer, such other costs incidental to the sale of a motor vehicle and contracted for voluntarily by the buyer as follows:

(a) Fees, payable to the state, for registration of the motor vehicle and issuance or transfer of registration plates.

(3) The foregoing costs may be charged, contracted for, collected or received by the seller from the buyer independently of the installment sale contract, or the seller may extend credit to the buyer for the amount of such costs and include such amount in the principal amount financed under the installment sale contract.

(4) Such other costs paid or payable by the buyer shall not exceed the amount which the seller expends or intends to expend therefore. Any such costs which the seller has collected from the buyer, or which have been included in the buyer's obligation under the installment sale contract which are not disbursed by the seller, as contemplated, shall be immediately refunded or credited to the buyer.

Section 8. (1) A seller under the provisions on this Act

shall have the power and authority to charge, contract for, receive or collect a finance charge, as defined in this Act, on any installment sale contract covering the retail sale of a motor vehicle in this state which shall not exceed the rates indicated for the respective classification of motor vehicle as follows:

Class I. Any new or used motor vehicle designated by the manufacturer as the latest year model when the retail sale, then being financed, is made, seven dollars per one hundred dollars per year; Provided that this classification shall not include any used motor vehicle manufactured over two years previous to the date of the retail sale.

Class II. Any new or used motor vehicle designated by the manufacturer as being one year or two years older than the latest year model when the retail sale then being financed is made, nine dollars per one hundred dollars per year.

Class III. Any used motor vehicle, designated by the manufacturer as more than two years but less than six years older than the latest year model when the retail sale then being financed is made, twelve dollars per one hundred dollars per year.

Class IV. Any used motor vehicle, designated by the manufacturer as more than five years older than the latest year model when the retail sale then being financed is made, fifteen dollars per one hundred dollars per year.

(2) Such finance charge shall be computed on the principal amount financed as determined under Section 3(2)(f) of this Act.

(3) Such finance charge shall be computed at the annual rates permitted by Section 8(1) on installment sale contracts which are payable by installment payments, extending for a period of one year. On installment sale contracts providing for installment payments, extending for a period which is less than or greater than one year, the finance charge shall be computed proportionately.

(4) Such finance charge may be computed on the basis of a full month for any fractional month period in excess of ten days.

Section 9. The holder of an installment sale contract may extend the scheduled due date, or defer payment or payments, or renew the unpaid time balance of such contract. In any such case the holder may re-state the amount of the installments and the time schedule therefor, and collect as a refinance charge for such extension, deferment or renewal, a flat service fee not to exceed five dollars, and a total additional charge not exceeding an amount equal to a true rate of ten dollars per one hundred dollars per annum on the respective descending balances computed from the date of such extension, deferment or renewal.

Section 10. The holder of any installment sales contract shall not collect any charges or expenses for delinquency, default and collection except as follows: Where such default shall have continued for a period of ten days, such charge not to exceed five per cent of the amount of the installments in default or the sum of five dollars, whichever is less.

Section 11. (1) The buyer, notwithstanding the provisions of any installment sale contract, shall have the privilege of prepaying at any time all or any part of the unpaid time balance under an installment sale contract.

(2) Whenever all of the time balance is liquidated prior to maturity by prepayment, refinancing or termination by surrender or repossession and resale of the motor vehicle, the holder of the installment sale contract shall rebate to the buyer immediately the unearned portion of the finance charge. Rebate may be made in cash or credited to the amount due on the obligation of the buyer.

(3) The amount of such rebate shall represent at least as great a proportion of the total finance charge after first deducting from such total finance charge an acquisition cost of fifteen dollars as the sum of the periodical time balances, after the date of prepayment, bears to the sum of all the periodical time balances under the schedule of payments of the original contract. When the amount of the credit for anticipation of payments is less than one dollar, no refund need be made.

Section 12. An installment sale contract may provide for a series of weekly, semi-monthly or monthly payments in substan-

tially equal periods and amounts, followed by a single larger payment of the unpaid time balance; in event the single larger payment exceeds twenty-five per cent of the principal amount financed then the seller may add one dollar per one hundred dollars per year to the charges set forth in this Act. In such instance, if the installment buyer enters into a second contract, said contract shall conform to all the provisions of this Act.

Section 13. (1) At any time after execution of an installment sale contract and within one year after termination of such contract, the holder of such contract shall furnish the buyer, upon request, with a complete and detailed statement of account showing:

(a) All amounts paid by the buyer on account of the obligation, dates of payment and the allocation of such payments to reduction of the time balance, refinance charges, default charges, court costs, expenses of retaking, repairing, storing or otherwise;

(b) All amounts credited to the buyer as rebates for prepayment and unexpired premiums on insurance cancelled;

(c) The amount of the installment payments, accrued charges and expenses incurred, if any, which are due and payable;

(d) The number and amount of installment payments to become due and payable, if any, and the due dates thereof.

(2) The buyer shall be furnished with one such statement of account without charge during the term of the contract or within one year after termination, and the holder may require payment of a fee of fifty cents for any additional statements.

(3) The holder shall furnish the buyer, upon request and upon payment of a fee of fifty cents, with a duplicate copy of the installment sale contract to replace the buyer's copy of such contract which is required to be furnished to the buyer.

Section 14. (1) Whenever payment is made on account of any installment sale contract, the person receiving such payment shall, at the time of receiving such payment, furnish to the buyer or to the person making the payment on behalf of the

buyer, a complete written receipt therefor, if requested. A receipt must be given if payment is made in cash.

(2) Such receipt shall show the date of payment, the amount of payment, and shall identify the obligation to which such payment is applicable.

(3) When issued for payments made at any office of the holder or mailed to such office, which payments are applied to reduction of the time balance, such receipt shall, if requested by the buyer, also set forth the unpaid time balance remaining due after crediting such payment. If such payment includes default charges authorized by this Act, the amount of such default charges shall be set forth on the receipt independently of the payment applied to reduction of the time balance.

Section 15. (1) Upon payment in full of the time balance and other amounts lawfully due under an installment sale contract, the holder shall, unless the buyer is otherwise indebted to the holder and has secured such debt by lien upon the motor vehicle:

(a) Return to the buyer the original of all instruments evidencing indebtedness or constituting security under an installment sale contract, which were signed by the buyer or his sureties or guarantors in conjunction with such contract, excepting such instruments as are filed or recorded with a public official and retained in the files of such official; and

(b) Release all security interest in the motor vehicle, or in collateral security to the obligation of the buyer under such contract; and

(c) Make available to the buyer all documents of title obtained from him.

(2) When the final payment on an installment sale contract is made in cash, money order or equivalent tender, by the buyer or his authorized representative, at the office of the holder, a legal discharge of this encumbrance shall be delivered at the time of such tender of payment, if demanded by the buyer, otherwise delivery may be made at a later date in person or by mail as may be arranged between buyer and holder. All other instru-

ments referred to in this section shall be made available to the buyer within twenty-five days of the date of final payment.

Section 16. (1) Neither a seller nor a finance company shall charge, contract for, collect, or receive from the buyer, directly or indirectly, any further or other amount for costs, charges, examination, appraisal, service, brokerage, commission, expense, interest, discount, fees, fines, penalties or other thing of value in connection with the retail sale of a motor vehicle under an installment sale contract in excess of the insurance premiums, other costs, the finance charges, refinance charges, recording and satisfaction fees, court costs, which are authorized by the provisions of this Act, and expenses of retaking, repairing and storing a repossessed motor vehicle.

(2) Whenever in any installment sale contract the seller or any subsequent holder has violated any of the provisions of this Act in that he has charged, contracted for, collected or received from the buyer any prohibited costs or charges in connection with such contract with actual knowledge of said violation and after such actual knowledge has retained the benefits or advantages accruing from said violation or otherwise ratiried said violation, then all the costs and charges in connection with such contract, other than for insurance, shall be void and unenforceable and any amounts paid by the seller for any such costs and charges other than insurance shall be applied on the principal of such contract. Nothing in this Act shall be construed as altering or amending the Uniform Negotiable Instruments Act, KRS Title XXIX, chapter 356, relating to the rights or privileges of a bona fide holder in due course.

Section 17. Nothing in this Act shall be construed to prevent the enforcement in this state of an obligation arising from the sale of a motor vehicle made outside of this state under an installment sale contract valid in such state, entered into or executed by the buyer outside of this state, whether or not such buyer or seller was a resident of this state at the time they entered into such contract.

Section 18. Any person conducting business under this Act as an installment seller, sales finance company or any owner, partner, member, officer, director, trustee, employe, agent, broker

or representative thereof who shall wilfully or intentionally violate any provision of this Act or shall direct or consent to such violations, shall upon conviction be sentenced to pay a fine of not less than one hundred nor more than five hundred dollars and for each subsequent offense a like fine or imprisonment for not less than one nor more than six months, or both.

By Mr. Clay.

H. B. No. 397. AN ACT proposing to amend Section 247 of the Constitution of the Commonwealth of Kentucky relating to public printing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. It is proposed that Section 247 of the Constitution of the Commonwealth of Kentucky be amended to read as follows:

The printing and binding of the laws, journals, department reports, and all other public printing and binding, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum and under such regulations as may be prescribed by law, or in such other manner as may be directed by the General Assembly, which may, if it sees fit, provide for the performance of any such work, and the publication of any such documents, by the State. No member of the General Assembly, or officer of the Commonwealth, shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the same time and in the manner provided for under Section 256 and 257 of the Constitution of the Commonwealth of Kentucky and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

By Mr. Ockerman.

H. B. No. 398. AN ACT relating to the Department of Education, and amending Sections 156.020, 156.050, 156.060,

156.070, 156.090, 156.195, 156.110 and 156.160 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 156.020 of the Kentucky Revised Statutes is hereby amended to read as follows:

The Superintendent of Public Instruction shall recommend to the State Board of Education the establishment of such divisions of the State Department of Education as he deems necessary for the successful administration and supervision of the common schools and other educational agencies placed under the management and control of the board. The recommendations of the Superintendent of Public Instruction shall not be binding on the board. In addition to an Assistant Superintendent of Public Instruction who is authorized to act in the absence of the Superintendent of Public Instruction, the following divisions shall be included in the organization of the State Department of Education: Finance and inspecting; attendance; supervision; teacher training and certification; public relations; research and statistics; vocational education; vocational rehabilitation and special education; school buildings and grounds; and Negro education. The Superintendent of Public Instruction may, with the approval of the board, group the established divisions.

Section 2. Section 156.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

The Superintendent of Public Instruction shall within ten days after the appointment of members of the State Board of Education call a meeting of the board. At this meeting the board shall organize and adopt rules and regulations governing its action and policy. The board shall elect a secretary, who shall be paid a salary in an amount prescribed by the board and paid out of the appropriation for the State Department of Education. The secretary shall have charge of the board's correspondence and keep a record of its proceedings.

Section 3. Section 156.060 of the Kentucky Revised Statutes is hereby amended to read as follows:

A majority of the board shall constitute a quorum for the transaction of business. The board shall meet every three months and at such other times as it may be called as provided in this section. Special meetings of the board may be called by the chairman, and upon written request of two members the chairman shall call a special meeting of the board. The chairman shall give notice through the secretary by registered mail to each member of the board at least ten days prior to the time of any meeting, unless all members of the board waive notice in writing. The offices of the board shall be at the seat of government in the Department of Education and shall be provided by the state. Members of the board may receive a per diem of twenty-five dollars for each regular or special meeting attended and actual expenses for attending meetings, and may be reimbursed for other actual and necessary expenditures incurred in the state in the performance of their duties authorized by the board. The per diem and expenses shall be paid out of the appropriation for the State Board of Education.

Section 4. Section 156.070 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The State Board of Education shall have the management and control of the common schools, public vocational education and vocational rehabilitation, West Kentucky Vocational School, and the Kentucky School for the Blind.

(2) The State Board of Education may prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations of the board shall be published before they will be deemed in full force and effect.

(3) In its capacity as a board of control for the West Kentucky School, the board may receive by any legal mode of conveyance, and hold and enjoy, property of any description.

Section 5. Section 156.090 of the Kentucky Revised Statutes is hereby amended to read as follows:

The State Board of Education shall publish bulletins containing information on the kinds and grades of certificates issued, the rules and regulations governing the issuance of each kind and grade of certificate, schools offering teacher-training courses, the renewal of certificates, the transfer of certificates to and from other states, the acceptance of credentials from institutions of other states, and such other information relating to the training and certification of teachers as it deems advisable.

Section 6. Section 156.095 of the Kentucky Revised Statutes is hereby amended to read as follows:

The State Department of Education is hereby authorized to establish, direct and maintain a state-wide program of in-service teacher training. Said program shall be organized and operated for the purpose of improving instruction in the public common schools and for the improvement of the leadership qualities and professional competence of principals, supervisors and teachers and for such other services in the improvement of instruction in the public common schools as may be approved from time to time by the State Board of Education. The program shall be directed and supervised by the Division of Teacher Training and Certification in accordance with the rules and regulations of the State Board of Education.

Section 7. Section 156.110 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The State Board of Education shall remove any school board member under its jurisdiction from office for immorality, misconduct in office, incompetency or willful neglect of duty. A copy of the charges preferred against the officer shall be furnished him, and he shall be given an opportunity to be heard in person or by counsel upon not less than ten days' notice. Vacancies in office caused by such removal shall be filled in the manner provided by law.

(2) The Superintendent of Public Instruction shall recommend by written charges the removal by the State Board of Education of any school board member within the system

of public education under the management and control of the State Board of Education who in his opinion is guilty of immorality, misconduct in office, incompetency or willful neglect of duty.

(3) The Superintendent of Public Instruction shall recommend by written charges to the proper school authorities the removal of any superintendent of schools, principal, teacher or other public school officer who in his opinion is guilty of immorality, misconduct in office, incompetency or willful neglect of duty.

(4) The State Board of Education is not required to follow the recommendations of the Superintendent of Public Instruction, but may act in its own right either with or without such recommendations.

Section 8. Section 156.160 of the Kentucky Revised Statutes is hereby amended to read as follows:

The Superintendent of Public Instruction shall prepare or cause to be prepared and submit for approval and adoption by the State Board of Education:

(1) The biennial state school budget;

(2) Minimum courses of study for the different grades and kinds of common schools, and regulations governing educational equipment of the schools;

(3) Rules and regulations for grading, classifying and accrediting all common schools, and for determining the scope of instruction that may be offered in the different classes of schools, and the minimum requirements for graduation from the courses offered;

(4) Rules and regulations for taking and keeping a school census, and the forms and blanks to be used in taking and keeping the census and in compiling the required reports thereof;

(5) Regulations for the sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms;

(6) Regulations governing medical inspection, physical

education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children;

(7) Rules and regulations concerning the transportation of children to and from school;

(8) Rules and regulations for approving private and parochial schools of elementary or high school grade, and commercial schools;

(9) Rules and regulations fixing the holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(10) Rules and regulations governing the preparation of budgets and salary schedules for the several school districts under the management and control of the State Board of Education;

(11) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;

(12) The State Board of Education may make any changes in the recommendations of the Superintendent of Public Instruction which it deems proper.

By Mr. Maglinger.

H. B. No. 399. AN ACT relating to places of entertainment, and repealing Section 231.100 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 231.100 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Lowman.

H. B. No. 400. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (2) of Section 342.122 of the Kentucky Revised Statutes is amended to read as follows:

(2) All taxes and assessments imposed by subsection (1) of this Section shall be paid into the State Treasury and shall be credited to the Subsequent Injury Fund for the board, which fund shall be used only for the payment of awards of compensation made by the board and chargeable against said fund, expenses of legal representation thereof, fees and expenses of the Medical Committee in connection therewith, and shall be withdrawn for that purpose under the supervision of the Commissioner of Industrial Relations.

Section 2. Subsection (2) of Section 342.230 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Commissioner of Industrial Relations shall also appoint an executive secretary of the board who shall have immediate supervision of the employes of the board and perform such duties as are assigned him. The executive secretary shall be an attorney who has been admitted to practice law in Kentucky and shall have practiced law for at least three years. He shall keep and be the custodian of the records of the board, and shall devote his full time to the duties of his office. He shall receive a salary to be fixed by the Commissioner of Industrial Relations.

Section 3. Section 342.235 of the Kentucky Revised Statutes is amended to read as follows:

The board and its employes or authorized representatives shall, for traveling necessitated by the discharge of official duties, be reimbursed for transportation actually paid for, not exceeding the regular fare over the most direct route, and meals and lodging actually paid for.

Section 4. Section 342.295 of the Kentucky Revised Statutes is amended to read as follows:

The circuit court or the Court of Appeals may make such

rule or order as it may deem necessary for the safekeeping, transporting and return of such original records of the Workmen's Compensation Board to the said board when the judgment in the case becomes final, provided that a copy of the final judgment shall be returned with each record. When any appeal has become final the Clerk of the Court of Appeals shall return such original record to Workmen's Compensation Board, who shall safely keep the same. At all times thereafter such record shall remain a part of the record of the case in the Court of Appeals, though kept in the possession of the Workmen's Compensation Board.

Section 5. Subsection (1) of Section 342.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) All notices of rejection of the provisions of the Act by employes shall, when executed, be preserved by the employer during the continuation of the employment of those employes whose names are subscribed thereto.

Section 6. Section 342.405 of the Kentucky Revised Statutes is amended to read as follows:

At any time after electing to operate under this Chapter, an employer may withdraw such election by filing written notice with the board stating the date when such withdrawal is effective, and the industry, business or operation covered thereby, and by personal written notice to the employe, or posting in conspicuous places about such place of business not less than one week next preceding the date on which the withdrawal is to become effective, copies of the notice. An employer who has rejected the provisions of the Act may withdraw his rejection by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing or giving of such notices, the status of the party withdrawing shall become the same as if his former election or rejection had not been made, except that withdrawal of election by an employer shall not be effective as to any injury sustained less than one week after the notice is filed. An employer, while operating under this Chapter, shall at all times keep posted in conspicuous places about his place of business notices to that effect, in the form prescribed by the board.

Section 7. Section 342.415 of the Kentucky Revised Statutes is amended to read as follows:

Every employe affected by this chapter who does not elect to operate under it, and his representative in case of death, shall, in any suit at law against an employer electing to operate under this chapter to recover damages for personal injury or death by accident arising out of and in the course of his employment, proceed at law as if this chapter did not exist, and the employer may avail himself of the defenses of contributory negligence, negligence of a fellow servant and assumption of risk as such defenses exist at common law.

Section 8. Subsection (2) of Section 342.480 of the Kentucky Revised Statutes is amended to read as follows:

(2) At such intervals as may be determined by the Commissioner of Industrial Relations, the board may compile and publish for distribution all or any part of its official proceedings, and may charge a subscription fee sufficient to defray the expenses of such operation.

Section 9. Section 342.485 of the Kentucky Revised Statutes is amended to read as follows:

If the total net surplus to the credit of the maintenance fund on June 30 of any year exceeds $200,000.00 the tax provided for under KRS 342.475 shall not be assessed or collected during the ensuing year, and the tax provided for under KRS 342.450 shall be collected, but paid into the State Treasury to be credited to the General Fund instead of to the maintenance fund provided for in KRS 342.480.

By Mr. Lowman.

H. B. No. 401. AN ACT relating to tuberculosis and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this Act it is the intention of the General Assembly to provide for the effective control of the

spread of communicable tuberculosis. The provisions of this Act are to be interpreted as recognizing that communicable tuberculosis is a disease dangerous to public health.

Section 2. As used in this Act:

(1) "Health officer" means the health officer or health administrator of any local health department;

(2) "Communicable tuberculosis" means tuberculosis which is capable of being transmitted from one human being to another.

Section 3. Any person who has communicable tuberculosis shall:

(a) Avoid close contact with babies and small children;

(b) Cover his nose and mouth with disposable tissue paper and destroy the tissue paper by burning it or by causing it to be burned;

(c) Collect all sputum in a sputum container or in some other manner approved by the State Board of Health and burn said sputum or cause it to be burned;

(d) Take such other reasonable precautions for the prevention of the spread of communicable tuberculosis as may be required by the rules and regulations of the State Board of Health adopted for this purpose.

Section 4. Whenever a health officer has reasonable grounds to believe that a person has communicable tuberculosis and that such person has failed to comply with the provisions of Section 3 of this Act, he may make an affidavit before any court or judge thereof reciting such facts and circumstances and the court or judge thereof shall thereafter direct that the person suspected of being afflicted with communicable tuberculosis submit to an examination either by a licensed practicing physician of his own choice at his own expense or by a physician appointed by the health officer at the expense of the county. The examination shall include both physical and laboratory examinations and shall be conducted according to such rules and regulations as may be promulgated by the State Board of Health and shall be reported upon forms furnished by said board.

Section 5. (1) Any person who violates the provisions of Section 3 of this Act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or both; provided, however, that if, in the opinion of the health officer suitable local facilities are available for the confinement of persons having communicable tuberculosis, such person so convicted shall be committed to said local facilities for the service of any imprisonment adjudged by the court, unless sooner released by the health officer, when, in his opinion, such person may be discharged without danger to the health of other persons.

(2) Whenever, in the opinion of the health officer, suitable local facilities are not available for the confinement of persons having communicable tuberculosis, such person shall be committed to such facilities as may be established or contracted for by the State Department of Health for this purpose.

Section 6. The county and Commonwealth attorneys and the Attorney General, within their respective jurisdictions, shall represent the health officer in the enforcement of the provisions of this Act. However, a county board of health may employ an attorney to represent the health officer in proceedings under this Act, and pay such attorney reasonable compensation for services rendered from any unexpended funds at its disposal.

Section 7. For the purposes of this Act, there is hereby appropriated to the State Department of Health, out of the General Expenditure Fund in the State Treasury, the sum of ten thousand dollars per year for each of the fiscal years 1954-55 and 1955-56.

By Mr. Wathen.

H. B. No. 402. AN ACT relating to insurance, and amending Sections 136.350, 136.360, 136.370, and 304.463 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 136.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) All mutual companies other than life doing business under this law shall pay into the State Treasury on or before the first day of March in each year, a tax of two percent of all amounts paid to the company or its representative, whether designated as premiums or otherwise, for insurance or services incident thereto, including amounts paid for membership or policy dues or fees, on property or risks in this state during the preceding calendar year, including amounts received for reinsurance on Kentucky risks from unauthorized companies.

(2) In addition to the foregoing tax, mutual insurance companies and Lloyds insurers shall pay an annual tax as prescribed for stock insurance companies by KRS 136.360 and for like purposes.

(3) In computing premiums upon which tax is to be paid there shall be deducted, in both direct and reinsurance business, return premiums on cancelled policies and policies not taken, and dividends paid or credited to policyholders.

(4) The provisions of this section shall not apply to domestic mutual companies, cooperative or assessment fire insurance companies.

Section 2. Section 136.360 of the Kentucky Revised Statutes is amended to read as follows:

Every stock insurer other than life doing business in this state shall pay to the Commissioner of Insurance on or before the first day of March of each year, beginning March 1, 1955, for the purpose of defraying the expenses authorized by KRS Chapter 227, and KRS Chapter 304, three-fourths of one percent of all amounts paid to such insurance company or its representative, whether such payments are designated as premiums or otherwise, during the previous calendar year for fire insurance and that portion of the premium reasonably allocable to insurance against the hazard of fire included in other coverages other than life and disability insurances. In computing such amounts there shall be deducted amounts refunded on policies cancelled or not taken, and dividends paid or credited to policyholders. All

amounts so collected shall be paid into the State Treasury, shall constitute a fund allocated for the use of the Commissioner of Insurance for the purpose above specified, and any portion of such fund not used during a calendar year shall be carried forward for subsequent such use.

Section 3. Section 136.370 of the Kentucky Revised Statutes is amended to read as follows:

Each attorney, for the exchange of reciprocal or interinsurance contracts, under KRS Chapter 304, shall pay into the State Treasury a tax of two percent of the gross premiums or deposits collected from subscribers in this state during the preceding calendar year, less all amounts returned to subscribers or credited to their account as savings. In addition, the attorney shall pay an annual premium tax of three-fourths of one percent of all amounts as prescribed for every stock insurer by and for the purposes specified in KRS 136.360.

Section 4. Section 304.463 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall promptly pay into the State Treasury all fees, licenses, and charges collected by him under the provisions of KRS 304.460. Such fees, licenses, and charges collected during calendar year 1956 and subsequent years shall comprise a fund allocated for the use of the commissioner in the administration of KRS Chapter 304, and any portion of such fund not used during a calendar year shall be carried forward for subsequent such use. Notwithstanding any provision in the 1954-56 general appropriation act to the contrary, all fees and other receipts paid into the State Treasury during the calendar years 1954 and 1955 pursuant to the provisions of subsection 1 through 10 except 9 of KRS 304.460, are hereby appropriated to the commissioner for the fiscal years ending June 30, 1955, and June 30, 1956, respectively. If said fees and receipts paid into the State Treasury during the calendar year 1954 exceed $38,100, the excess shall be covered into the General Expenditure Fund. The appropriation of $65,000 made to the Department of Insurance for fiscal year 1955-56 by Part One of the 1954-56 general appropriation act is hereby repealed.

Section 5. The taxes provided for in sections 136.350, 136.360 and 136.370 shall be applied from January 1, 1954.

By Mr. Wathen.

H. B. No. 403. AN ACT relating to the State Fire and Tornado Insurance Fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 56.100 of the Kentucky Revised Statutes is amended to read as follows:

Each fiscal year the State Treasurer shall deduct from any funds in his hands payable to an agency for the care and maintenance of public buildings or property, an amount equal to the premiums certified to him as chargeable against that agency. The amount so debited shall be credited to an account kept by the State Treasurer and known as the State Fire and Tornado Insurance Fund. No premium shall be charged on any one subject of risk upon a valuation of more than two hundred thousand dollars unless the Division of Insurance has contracted for reinsurance that limits the liability of the fund to two hundred thousand dollars upon such subject of risk.

Section 2. Section 56.120 of the Kentucky Revised Statutes is amended to read as follows:

When the amount of damage has been determined, the State Treasurer shall debit the account of the State Fire and Tornado Insurance Fund by that amount and credit with an equal amount the account of the agency that has control or custody of the property damaged, and upon warrant from the Department of Finance the Treasurer shall pay to the agency the amount so credited to it, for the purpose of repairing the damage or reconstructing or replacing the damaged or destroyed property. If the agency deems it impracticable or undesirable to use the money for repair, reconstruction or replacement of the property damaged or destroyed, it may, with the approval of the Department of Finance, and subject to such powers of the State Property and Buildings Commission as set out in KRS

56.490, expend said funds for the acquisition, repair, construction or reconstruction of property similar to the property damaged or destroyed. No debit, credit, or payment made on account of the damage to any one subject of risk, by any one loss, shall be in excess of two hundred thousand dollars, unless the Division of Insurance has affected reinsurance upon the subject of risk such as to limit the liability of the State Fire and Tornado Insurance Fund to two hundred thousand dollars, and unless the excess over this amount has actually been paid into the fund by the reinsuring company or companies.

Section 3. Section 56.160 of the Kentucky Revised Statutes is amended to read as follows:

With the approval of the Department of Finance, the Division of Insurance may contract with any responsible fire and tornado insurance or reinsurance company authorized to do business in Kentucky to reinsure any subject of risk of which the total valuation has been fixed at over two hundred thousand dollars in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such subject of risk to two hundred thousand dollars. The premium for reinsurance shall be paid out of the State Fire and Tornado Insurance Fund, on warrant of the Department of Finance.

Section 4. Section 56.180 of the Kentucky Revised Statutes is amended to read as follows:

If at the end of any fiscal year the moneys and securities to the credit of the State Fire and Tornado Insurance Fund exceed two million dollars, any such excess shall be available to the State Property and Buildings Commission for the purpose of improving conditions relating to life and fire safety in state properties. Allocations by the State Property and Buildings Commission shall be made on the basis of recommendations made pursuant to KRS 56.170 by the Commissioner of Insurance.

By Mr. Wathen.

H. B. No. 404. AN ACT relating to Deposits of Insurers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.484 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Custodian of Insurance Securities shall be appointed by the Governor, in accordance with laws governing other executive appointments. He shall receive a salary of three hundred and fifty dollars per month, payable as are salaries of other employes of this state, but out of custodial expense funds provided by insurers pursuant to KRS 304.503.

(2) The custodian shall receive in his official capacity, all deposits made with him pursuant to this Code.

(3) The custodian shall be available at all reasonable times in the branch office of the Department of Insurance maintained in a city of the first class.

Section 2. Section 304.503 of the Kentucky Revised Statutes is amended to read as follows:

(1) Insurers maintaining deposit of assets in this state under KRS 304.475 to 304.504 shall pay into the Treasury of the Commonwealth, through the office of the Commissioner of Insurance, six thousand dollars each calendar year, as a custodial expense fund. Such fund shall be used in paying the custodian's salary, the premium on his bond, and other necessary expenses incident to the office used by the custodian. The total gross annual expenses of the custodian's office shall not exceed such sum of six thousand dollars.

(2) The portion of such expense fund to be paid by each such insurer shall be in the same approximate proportion as the amount of the insurer's average deposit during the calendar year bears to the total such deposits of all insurers, as determined by the commissioner. Each such insurer shall pay its share of such expense fund in monthly or other periodic installments as directed by the commissioner.

By Mr. Lowman.

H. B. No. 405. AN ACT to make uniform the procedure on interstate extradition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Where appearing in this Act, the term "Governor" includes any person performing the functions of Governor by authority of the law of this state. The term "Executive Authority" includes the Governor, and any person performing the functions of Governor in a state other than this state, and the term "State", referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America.

Section 2. Subject to the provisions of this Act, the provisions of the Constitution of the United States controlling, and any and all Acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this state to have arrested and delivered up to the Executive Authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.

Section 3. No demand for the extradition of a person charged with crime in another state shall be recognized by the Governor unless in writing alleging, except in cases arising under Section 6, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a judge or magistrate, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the Executive Authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the judge or magistrate must substantially charge the person demanded with having committed a crime under the law of that state; and the copy of indictment, information, affidavit, judg-

ment of conviction or sentence must be authenticated by the Executive Authority making the demand.

Section 4. When a demand shall be made upon the Governor of this state by the Executive Authority of another state for the surrender of a person so charged with crime, the Governor may call upon the Attorney-General or any prosecuting attorney in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

Section 5. (1) When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor of this state may agree with the Executive Authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

(2) The Governor of this state may also surrender on demand of the Executive Authority of any other state any person in this state who is charged in the manner provided in Section 23 of this Act with having violated the laws of the state whose Executive Authority is making the demand, even though such person left the demanding state involuntarily.

Section 6. The Governor of this state may also surrender, on demand of the Executive Authority of any other state, any person in this state charged in such other state in the manner provided in Section 3 with committing an Act in this state, or in a third state, intentionally resulting in a crime in the state whose Executive Authority is making the demand, and the provisions of this Act not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

Section 7. If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execu-

tion thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

Section 8. Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this Act to the duly authorized agent of the demanding state.

Section 9. Every such peace officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

Section 10. No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a circuit judge in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the circuit judge shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting attorney of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

Section 11. Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant, in wilful disobedience to the last section, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than $1,000.00 or be imprisoned not more than six months, or both.

Section 12. (1) The officer or persons executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary,

confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

(2) The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; provided, however, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the Executive Authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

Section 13. Whenever any person within this state shall be charged on the affidavit of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under Section 6, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under Section 6, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to appre-

hend the person named therein, wherever he may be found in this state, and to bring him before the circuit judge, the county judge, or a police judge of a city in the county in which he was arrested who may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Section 14. The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable grounds for believing that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before the circuit judge, the county judge, or a police judge of a city in the county in which he was arrested with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

Section 15. If from the examination before the judge it appears that the person held is the person charged with having committed the crime alleged an, except in cases arising under Section 6, that he has fled from justice, the judge must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the Executive Authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

Section 16. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, the judge may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor of this state.

Section 17. If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, the judge may discharge him or may recommit him for a further period not to exceed sixty days, or the judge may again take bail for his appearance and surrender, as provided in Section 16, but within a period not to exceed sixty days after the date of such new bond.

Section 18. If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, by proper order, shall declare the bond forfeited and direct his immediate arrest if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

Section 19. If a criminal prosecution has been instituted against such person under the laws of this state and is still pending the Governor, in his discretion, either may surrender him on demand of the Executive Authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.

Section 20. The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.

Section 21. The Governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

Section 22. Whenever the Governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the Executive Authority of any other state, or from the chief justice or an associate justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and

convey him to the proper officer of the county in this state in which the offense was committed.

Section 23. (1) When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the Governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

(2) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the Director of the Division of Probation and Parole, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

(3) The application shall be verified by affidavit, shall be executed in triplicate and shall be accompanied by three certified copies of the indictment returned, or affidavit made before a judge or magistrate and any warrant issued thereon, stating the offense with which the accused is charged, or of the judgment of conviction or sentence. The prosecuting attorney, the Director of the Division of Probation and Parole, or the warden or sheriff may also attach such further affidavits and other documents in triplicate as he shall deem proper to be submitted with such application. One copy of the application, with

the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment or affidavit, or judgment of conviction or sentence shall be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

Section 24. All costs incurred in apprehending and securing the fugitive shall be paid by the agent of the state demanding him before the agent is permitted to remove him or receive him into custody.

Section 25. A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

Section 26. (1) Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 7 and 8 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in Section 10.

(2) If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this Section shall be deemed to limit the rights of the accused person

to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

Section 27. Nothing in this Act contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this Act which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

Section 28. After a person has been brought back to this state by, or after waiver of extradition proceedings, he may be tried in this state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

Section 29. Sections 440.070 and 440.080 of the Kentucky Revised Statutes are hereby repealed.

By Mr. Lowman.

H. B. No. 406. AN ACT pertaining to the regulation of mines and minerals, and amending Sections 352.220, 352.240 and 352.990 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 352.220 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The following shall apply to underground installations:

(a) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one half feet above the top of the rail,

suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection.

(b) All machine feed wires shall be placed on glass or porcelain insulators which shall be so placed as to prevent the wires coming in contact with the coal.

(c) When the machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in (a) of this subsection.

(d) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of rooms when so ordered by the department, but wires, when protected as provided for in (a) of this subsection, may be placed across the necks of rooms. Switches or circuit breakers shall be provided to control the current at the mine and all important sections in the mine.

(e) All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected.

(f) Ground wires shall be at least one-fourth as large as the circuit wires, but not smaller than No. 6 B & S gauge.

(g) Extra length or long trailing cables preferably shall be spread out in long open loops on clean, well rock-dusted floor where the cable can be protected against mechanical injury, but cables in suspended long loops will be acceptable.

(h) Trailing cables with more than six temporary splices shall be removed from service and the splices improved before further use.

(i) Single conductor trailing cables shall not be used on cutting machines.

(j) Circuits of four hundred forty volts, three-phase alter-

nating current shall be of insulated wire from transformers connected star-star. The cable shall contain a fourth wire from the center of the transformer star and be connected to the frame of the motor, preferably utilizing a ground trip protective relay.

(k) The frames of hand-held electrically driven tools shall be properly grounded, and they shall be provided with fuses or circuit breakers.

(l) All pump frames and all pipe lines shall be grounded to the rail or the grounding system at about two hundred foot intervals, except non-metallic pipes, or pipes using insulated type couplings or pipes installed remotely from track or power systems.

(m) Cross-bonds shall be installed at about two hundred foot intervals along the track.

(n) High voltage cables shall be installed in intake airways, shall have shielding grounded and be buried in a ditch, or protected against contact, subject to approval by the department.

(o) High voltage cables shall have disconnecting switches, overload protective devices and lightning arresters at, or near, the outside end of the cable.

(p) Inside substations shall have the approval of the department before installation. They shall be in a separate air current. Barriers shall be provided to contain oil that may leak from transformers.

(q) All mine locomotives shall be fused or otherwise protected at the switch or at the nip.

(r) Electric wiring for rubber belt conveyors shall be installed in an intake entry separate from the belt entry. Any necessary wiring, including wiring for lights, that is to be used in the belt entry, shall be carried from such adjoining entry directly to the point of use, and suitable fire-fighting equipment, such as rock-dust, shall be located at strategic points along the rubber belt line, and proper type fire extinguishers shall be provided at the transfer points. The chief may prescribe any other

safety measures for the prevention and combating of mine fires as they pertain to rubber conveyor belts.

(s) Telephone lines shall be provided with lightning arresters where the lines enter the mine and at the boxes on the outside.

(t) Telephone lines crossing trolley wires shall be carefully protected.

(u) Insulating mats shall be placed in front of switchboards, beside stationary motors, in decks of locomotives, telephones, etc.

(v) Ground wires in trailing cables shall be tested periodically for open circuit and/or high resistance joints.

(w) Power circuits in tipples, buildings, cleaning plants, etc., and all inside electrical circuits should be de-energized when not in use over a long period.

(x) Where electric circuits cross over or pass under belt conveyors the wiring shall be protected by conduit.

(y) The preceding provisions as they pertain to the use of rubber belt conveyors shall apply only to installations made after March 6, 1952, and if any operator is unable to comply with these provisions, the department may prescribe the conditions under which the installation shall be made.

(2) The following shall apply to surface installations:

(a) High voltage lines shall be at least fifteen feet above the ground and at least twenty feet above the ground where there is a possibility of contact by traffic passing underneath.

(b) Protective barriers should be so constructed between high voltage wires and telephone wires, trolley circuits, and any other similar conveyor wires or circuits as to prevent their failure by the falling of such high tension lines across such other circuits, wires or conveyors.

(c) On four-wire circuits, the fourth or neutral wire terminating at transformers, or elsewhere, shall be of substantial construction to minimize any possibility of the wire being cut in two or damaged mechanically.

(d) On low voltage circuits, wires shall be supported on insulators except when cables made for use without insulators, which are of such design as can be safely used without insulators, are used.

(e) Lightning arresters shall be installed on all direct current and alternating current circuits entering a mine, regardless of voltage. Overload protection and disconnect switches should also be provided.

(f) Every metallic building in which electricity is used or connected with any circuit shall be effectively grounded.

(g) All transformers tanks shall be effectively grounded.

(h) Switch boxes, contactors, controllers and all other similar devices shall be kept free of dust accumulations.

(i) Transformer stations shall be housed or fenced in when lower than fifteen feet above the earth, and the fences shall be a minimum of six feet in height.

(3) (a) Notwithstanding any provision of subsections (1) or (2) of this section, the department may authorize the construction, maintenance, operation or conducting of any activity regulated by this Act, to be constructed, maintained, operated or conducted in a different manner than specified in any provision of subsection (1) or (2) of this section of the Act, when scientific or engineering information is made available to the department substantially indicating that the different manner would afford equal or greater protection and safety than the manner required in subsections (1) or (2) of Section 1 of this Act.

(b) The department may prescribe, after agreement with the affected parties, any other regulations with respect to aboveground or underground installations in connection with any mine operation when information is made available indicating that such regulation is reasonably necessary to prevent injury to, or loss of, life and property.

Section 2. Section 352.240 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The use of black powder, either granular or in pellet form, and the use of dynamite for firing shots is prohibited in all underground coal mines in the state of Kentucky.

(2) Explosives shall be fired only by electric detonators of the proper strength except as provided for in KRS 352.260.

(3) When blasting is done electrically, only permissible single shot blasting units or permissible multiple shot blasting units shall be used unless blasting is done from the surface.

(4) Individual containers used to carry permissible explosives or detonators underground shall be constructed of substantial non-conductive material. The container shall be closed and maintained in good condition. When explosives or detonators are transported underground by locomotive, rope, or shuttle car, they shall be in covered cars or in special containers.

(a) The bodies and covers of special cars and the containers shall be constructed of non-conductive material.

(b) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent.

(c) Cardox shells shall not be carried on man-trips.

(d) Where quantities of explosives and detonators are transported in special cars or in special containers in cars, they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip. When traveling with the air current, the explosive trip shall precede the man-trip; when traveling against the air current, the man-trip shall precede the explosive trip.

(5) Explosives and detonators shall be transported underground by belt only under the following conditions:

(a) In the original and unopened case, in special closed cases constructed of non-conductive material, or in suitable individual containers.

(b) Ample clearance shall be provided when transported by belt.

(c) Suitable loading and unloading stations shall be provided.

(d) There shall be an attendant at loading and unloading points and stop controls at these points.

(6) Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

(7) Underground section boxes or magazines shall be of substantial construction and placed in a crosscut or idle room neck at least twenty-five feet from roadways or trolley wires and in a reasonably dry and well rock-dusted place; and when such section boxes or magazines are used, the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives, including any surplus remaining from the previous day, shall be stored underground in such boxes or magazines. Explosives kept near the working faces in individual containers shall be kept not less than fifteen feet from rail or power lines and in a location out of line of blast where they will not likely be subjected to shock. Detonators shall be kept in a separate container under similar conditions. Explosives and detonators shall be kept in their containers fifteen feet apart until removed for use at the working faces.

(8) Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof or floor.

(9) Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

(10) To prevent blowthroughs, all portions of the boreholes, where the height of the coal permits, shall have a burden in all directions of at least eighteen inches before being fired.

(11) Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least two-thirds of the length of the hole shall be stemmed.

(12) Examinations for gas shall be made immediately before and after firing each shot where on-shift shooting is done in gaseous mines.

(13) When blasting coal, charges exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if boreholes are six feet or more in depth, and explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the hole stemmed solidly for a depth of at least twenty-four inches.

(14) Shots shall be fired by qualified shot firers.

(15) In mines where shooting is done on shift, all shots or series of shots shall be fired immediately after charging.

(16) Only wooden tamping bars shall be used when charging holes.

(17) Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

(18) Shots shall not be fired from the power or signal circuit while any men are in the mine.

(19) Roof and faces of working places shall be tested before and after blasting on shift.

(20) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

(21) Mixed charges shall not be charged or fired in any borehole.

(22) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(23) Blasting cables shall be well insulated and as long as may be necessary to permit the shot firer to get in a safe place around the corner, short-circuited at the battery end until ready to attach to the blasting unit, staggered as to length or kept well separated when attached to the detonator leg wires, and kept clear of power wires and all other possible sources of active or stray currents.

(24) Where misfires occur with electric detonators, a waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short circuited before electric connections are examined. If fuse is used a waiting period of twelve hours shall elapse before returning to the face. Explosives shall be removed by firing a separate charge at least two feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out. A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive. The handling of a misfired shot shall be under the direct supervision of the foreman or a competent person designated by him.

(25) The provisions governing the handling, storage and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells. Charged Cardox shells shall be transported underground in insulated cars or in insulated boxes placed in ordinary mine cars except where transported on rubber belts and shall be stored on wooden racks, built for that purpose, in a crosscut or an idle room neck, at least ten feet from power lines and haulage tracks. Where Cardox is used for blasting, the following shall apply:

(a) Cardox shells need not be tamped or stemmed.

(b) When Cardox is fired, all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place.

(c) Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

(d) The charge shall be detonated with a permissible shot-firing unit.

(e) Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

(f) Cardox misfires caused by the failure of the disk to rupture shall not be removed from the hole until after the lapse of five minutes and shall be handled under the supervision of a foreman or other competent designated person.

(g) Misfired shells shall be bled off promptly and marked conspicuously upon removal from the hole.

(26) Where Airdox is used for blasting or breaking down the coal, the following shall apply:

(a) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand pounds a square inch.

(b) Air lines shall be grounded at the compressor, and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

(c) Unions shall be installed in steel air lines at not more than one thousand foot intervals.

(d) Shut-off valves shall be installed every one thousand feet in all Airdox lines and, in all branch lines, at a point near the main lines.

(e) Airdox lines shall be protected at places where equipment passes over, under or adjacent to them.

(f) Steel or copper lines shall not be handled or repaired when air pressure is in the line.

(g) Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

(h) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization.

(i) Blow-down valves shall not be less than forty-five feet from the face and shall be around a right angle.

(j) Holes for Airdox tubes shall not be drilled on the solid.

(k) The Airdox tube shall be pushed to the back of the drill hole and then withdrawn six to twelve inches to form an air cushion.

(l) When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole.

(m) After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

(n) When an Airdox tube fails to discharge, the copper line leading to the tube shall be disconnected at the blow-down valve, and the tube shall be dragged by means of the copper line to an abandoned place marked with warning signs, and left for twelve hours before any repair work is done thereon.

(o) All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

(27) Notwithstanding any provision of this Act except subsection (1) of this Section the department may authorize the construction, maintenance, operation or conducting of any activity regulated by this Act to be constructed, maintained, operated or conducted in a different manner than specified in any provision of this Act except subsection (1) of this Section when scientific or engineering information is made available to the department substantially indicating that the different manner would afford equal or greater protection and safety than the manner required in any provision of this Section of this Act.

Section 3. Section 352.990 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any person who violates any of the provisions of KRS 352.020 to 352.040, subsection (1) of KRS 352.050, KRS 352.060 to 352.090, KRS 352.110 to 352.140 or subsection

(1) of KRS 352.190 shall be fined not less than twenty-five nor more than two hundred dollars.

(2) Any person who violates any of the provisions of subsections (2) or (3) of KRS 352.050, subsection (2) of KRS 352.190, KRS 352.220, subsection (6) of KRS 352.230 or KRS 352.250 shall be fined not less than twenty-five nor more than two hundred dollars.

(3) Any person who violates any of the provisions of KRS 352.100 shall be fined not less than twenty-five nor more than one hundred dollars.

(4) Any person who violates any of the provisions of KRS 352.150 shall be fined not less than twenty-five nor more than two hundred dollars.

(5) Any person who shall violate any of the provisions KRS 352.170 or 352.180 shall be fined not less than twenty-five nor more than two hundred dollars.

(6) Any person who violates any of the provisions of KRS 352.200, 352.210 or 352.240 shall be fined not less than twenty-five nor more than one hundred dollars. Any person who violates any regulation validly prescribed by the department pursuant to Section 352.220, subsection (3)(b) shall be fined not less than twenty-five nor more than one hundred dollars.

(7) Any coal operator, manager, superintendent, mine foreman, fire boss or machine runner who violates any of the provisions of KRS 352.230 shall be fined not less than twenty-five nor more than two hundred dollars.

(8) Any person who violates any of the provisions of subsections (1), (2) or (4) of KRS 352.260 shall be fined not less than twenty-five nor more than two hundred dollars.

(9) Any person who violates any of the provisions of KRS 352.270 shall be fined not less than twenty-five nor more than one hundred dollars.

(10) Any person who violates any of the provisions of KRS 352.320 to 352.390 shall be fined not less than twenty-five nor more than two hundred dollars.

(11) Any person who violates any of the provisions of KRS 352.280 to 352.310 shall be fined not less than fifty nor more than two hundred dollars.

(12) Any coal operator, manager, superintendent, mine foreman or employe who violates any of the provisions contained in any mine rules after they have been approved as provided by KRS 352.400 shall be fined not less than twenty-five nor more than one hundred dollars.

(13) Any coal operator, manager, superintendent or mine foreman who violates any of the provisions of KRS 352.410 or 352.420 shall be fined not less than twenty-five nor more than two hundred dollars.

(14) Any district mine inspector, coal operator, manager or superintendent who violates any of the provisions of KRS 352.430 shall be fined not less than twenty-five nor more than two hundred dollars.

(15) Any operator, manager, superintendent or engineer who violates any of the provisions of KRS 352.450 to 352.480 shall be fined not less than twenty-five nor more than two hundred dollars.

(16) Any owner, tenant, company, corporation, manager, engineer, mine foreman or employe who violates any of the provisions of KRS 352.490 or 352.500 shall be fined not less than fifty nor more than three hundred dollars.

(17) Any person who violates any of the provisions of KRS 352.510 fixing the distance from wells within which mining operations may be conducted without the approval of the department, and any person who violates any of the terms of an order of the department allowing mining operations within a lesser distance of any well than that prescribed by law shall be fined not more than two hundred dollars or imprisoned for not more than twelve months, or both.

(18) Any inspector of mine weights, coal operator, superintendent, agent, company weighman or check weighman who violates any of the provisions of KRS 352.520 or 352.530 shall be fined not less than twenty-five nor more than two hundred dollars.

(19) Any person, company or corporation that violates any of the provisions of KRS 352.540 or 352.550 shall be fined not less than fifty nor more than one hundred dollars for each violation.

By Mr. Lowman.

H. Res. No. 59. A JOINT RESOLUTION naming Mrs. Ethel Gist Cantrill as State Librarian Emeritus of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (8) of Section 421.210 of the Kentucky Revised Statutes is amended to read as follows:

(8) A party, or any person who is or has been an officer, agent or employe of a corporation which is a party, may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony. The examination, authorized herein, of a person who is or has been an officer, agent or employe of a corporation shall be confined to events occurring during the existence of his occupational relationship with the corporation, and proof of such relationship shall constitute prima facie evidence that the officer, agent or employe was authorized to speak and act for and on behalf of the corporation during the existence of the occupational relationship.

By Mr. Horn.

H. Res. No. 60. A JOINT RESOLUTION authorizing payment of a claim by Sherman Combs against the Department of Highways and the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on February 28, 1950, Sherman Combs, an employe of the Department of Highways, Commonwealth of Kentucky, was involved in an automobile accident, while acting within the course and scope of his employment, in Carroll County, Kentucky; and

WHEREAS, Sherman Combs was involved in much litigation as a result of this accident,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the amount of Three Hundred and Seventy-five Dollars is hereby appropriated out of the State Road Fund to reimburse Sherman Combs for these actual expenses, which he was forced to pay as a result of expenses incurred in the cases of Commonwealth of Kentucky vs. Sherman Combs in the Carroll County Court and Casper Oaks' Administrator and Others vs. Sherman Combs in Carroll Circuit Court. Immediately upon the effective date of this Resolution the Commissioner of Finance shall issue his warrant, in the amount of Three Hundred and Seventy-five Dollars, upon the State Treasurer, who shall issue a check in like amount to Sherman Combs.

Mr. Kearby moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion was agreed to.

Mr. Kearby moved that Clarissa Jane Neville and Carol Jean Neville be made honorary pages.

Said motion was agreed to.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 154. AN ACT relating to the licensing and regulating of milk and cream buyers, testing, weighers, and samplers, and repealing KRS 260.170 through 260.270 and subsections (3) and (4) of KRS 260.990.

H. B. No. 338. AN ACT relating to mechanics' and materialmen's lien, providing for lien on growing crops, and amending subsection (1) of Section 376.010 of the Kentucky Revised Statutes.

H. B. No. 5. AN ACT authorizing persons who have attained the age of fourteen years to be given a special license

to operate motor vehicles and to require manufacturers of motor scooters and bicycles to stencil place of manufacture and horsepower on their vehicles.

S. B. No. 83. AN ACT relating to property escheated to the State.

H. B. No. 281. AN ACT relating to the compensation of sheriffs in counties containing less than seventy-five thousand persons, amending Sections 134.290 and 134.310 of the Kentucky Revised Statutes and declaring an emergency.

H. B. No. 324. AN ACT relating to barbers and beauty specialists.

H. B. No. 291. AN ACT relating to the terms of fiscal courts, enabling fiscal courts to hold monthly special terms, declaring an emergency, and amending Section 67.090 of the Kentucky Revised Statutes.

H. B. No. 292. AN ACT changing the classification of the City of Flatwoods, in Greenup County.

H. Res. No. 24. A RESOLUTION authorizing Lloyd Metcalf to sue the Commonwealth of Kentucky and the Department of Conservation of Kentucky or either of them.

H. Res. No. 37. A JOINT RESOLUTION authorizing Nannie Mae Kelly and her husband, Herbert Kelly, to sue the Commonwealth of Kentucky and the State Fair Board, or either of them.

H. Res. No. 46. A JOINT RESOLUTION authorizing the personal representatives of Emmett Hutchinson, deceased, Thomas Hutchinson, Sr., deceased, Mrs. Rose Hutchinson, deceased, and Terry Hutchinson, deceased, each or all of them, of Christian County, to sue the Commonwealth of Kentucky and the Department of Highways, either or both.

H. B. No. 217. AN ACT relating to the furnishing of gas by gas pipe-line companies, and amending Section 278.485 of the Kentucky Revised Statutes.

With Committee Substitute attached thereto as follows, viz:

COMMITTEE SUBSTITUTE for H. B. No. 217. AN ACT relating to the furnishing of gas by gas pipe-line companies, and amending Section 278.485 of the Kentucky Revised Statutes.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said resolutions and bills be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Lowman moved that S. B. No. 27, H. B. No. 186 and H. B. No. 279 retain their places in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 246. AN ACT relating to the providing of facilities for circuit courts and county officers by fiscal courts in counties in which circuit court is, or may be, held at two places, and providing for the issuance of revenue bonds for the payment for construction involved therein, and amending Section 23.090 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

To be eligible for appointment as a member of the police force or fire department of a city of the fourth or fifth class, a person must be a citizen of the state, a resident of the county for at least six months, at least twenty-one years of age, able to read and write the English language intelligibly, and sober, moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall

interfere in any election. If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six months in the county shall be sufficient.

Mr. Dressman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	W. Marvin Davis	William L. Jones
Clarence J. Barnum	James A. Dressman, Jr.	Jennings H. Kearby
Charles E. Baumgardner, Sr.	Harold Edmonds	Talmage Lacy
J. Murray Blue	Thomas P. Fitzpatrick	George H. Lovelace
Charles W. Buchanan	Cabell D. Francis	Ralph E. McClanahan
Harry M. Caudill	George F. Harris	Damon Majors
Cassius M. Clay	Harold G. Helm	William C. Mann
William J. Conley	Estill R. Hilton	William J. Marcum
R. Josh Cosby	Varna Holt	George R. Martin
Vernor O. Cottengim	William M. Horn	Carl D. Melton
		Tom Mobley

Robert K. Montgomery	Hobart Rayburn	W. W. Webster
Walter R. Moorman	Robert Reid	William B. Wells
Fred Morgan	Russell Reynolds	Warren D. Williams
Eddie J. Morris	Lloyd E. Rogers	Mrs. Randolph Wilson
Foster Ockerman	William A. Routh	Charles W. Wirsch
Louis T. Peniston	Cecil C. Sanders	Walker H. Wiseman
Edward D. Pollitte	LeRoy Saylor	Dr. Clyde D. Wooton
Roger E. Qualls	W. R. Smith	
Jack Raybourne, Jr.	Mrs. Thelma L. Stovall	—56

Those who voted in the negative were—

John L. Day	Herbert Fern	—2

Resolved that the title thereof be as aforesaid.

Mr. Dressman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 196. AN ACT amending section 189.390 of the Kentucky Revised Statutes relating to speed and parking of motor vehicles.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) No operator of a vehicle upon a highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

(2) Where no condition exists that requires lower speed for compliance with subsection (1) of this section, the speed of any vehicle not in excess of the limits specified in this section

or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be unlawful.

(a) For all vehicles other than motor trucks, semi-trailer trucks, or motor vehicles of five horsepower or less, thirty-five miles per hour in any business or residential district, sixty miles per hour in other locations during the daytime and fifty miles per hour in other locations during the nighttime;

(b) For motor trucks and semi-trailer trucks, thirty-five miles per hour in any business or residential district, fifty miles per hour in other locations during the daytime, and forty miles per hour in other locations during the nighttime;

(c) For motor vehicles of five horsepower or less, thirty-five miles per hour in any location.

(3) Whenever the Commissioner of Highways shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or upon any part of a state highway within or without the corporate limits of a municipality, said Commissioner of Highways may determine and establish by official order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or part of the state highway. In no event, however, shall said commissioner increase any speed limit established by subsection (2) of this section by more than ten miles per hour, nor shall such ten miles per hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(4) (a) Whenever municipal authorities or the county court of any county determine upon the basis of an engineering and traffic investigation that the speed permitted under subsection (2) of this section is greater or less than is reasonable or safe under the conditions found to exist within the municipality or unincorporated areas of the county, such municipal authority or county court, subject to paragraph (b) of this subsection, shall determine and authorize by ordinance or order a reason-

able and safe speed limit which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are appropriately erected. In no event, however, shall said municipal authority or county court increase any speed limit established by subsection (2) of this section by more than ten miles per hour, nor shall such ten-mile-per-hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(b) Alteration of speed limits on state highways within a municipality by municipal authorities or within the unincorporated areas of counties by county courts shall not be effective until such alteration has been approved by the Commissioner of Highways. In no event shall said commissioner approve any alteration which would increase any speed limit established by subsection (2) of this section by more than ten miles per hour, nor shall such ten-mile-per-hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(c) Whenever the county court of any county determines upon the basis of an engineering and traffic investigation and study that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one motor vehicle is permitted to park in such district so as to reduce such congestion, then the county court may by order establish "no parking" areas on and along said highway, or limit the length of time any motor vehicle may be parked in any business district, which order or orders shall be effective at all times and during hours of daytime or nighttime and at such other times as may be determined when appropriate signs giving notice thereof are erected at such locations.

(5) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(6) The speed limitations set forth in this section shall not apply to an authorized emergency vehicle when responding

to an emergency call, or when responding to but not upon returning from a fire alarm, and the driver thereof sounds audible signal by bell, siren, or exhaust whistle, and when such emergency vehicle is equipped with at least one lighted lamp exhibiting red lights visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. This provision shall not relieve the drive of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

(7) In every charge for a violation of any speed limit specified in this section or established as herein authorized, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, also the lawful speed limit applicable at the location where the violation is charged to have occurred.

(8) As used in this section, the following words and phrases shall have the meaning respectively ascribed to them:

(a) Business district—The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(b) Residential district—The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

(c) State highway—A highway or street maintained by the Department of Highways.

(d) Nighttime—The period from one-half hour after sunset until one-half hour before sunrise, and at such other periods as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period; daytime means at any other period.

(9) The signs and notices which the county judge is authorized hereby to have erected shall be paid for by the fiscal court out of the county levy.

Mr. Anderson moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin

Carl D. Melton	Paul T. Ratcliffe	Will Tom Wathen
Tom Mobley	Jack Raybourne, Jr.	W. W. Webster
Robert K. Montgomery	Robert Reid	Hicks Wells
	Russell Reynolds	William B. Wells
Walter R. Moorman	Lloyd E. Rogers	Warren D. Williams
Fred Morgan	William A. Routh	Mrs. Randolph Wilson
Eddie J. Morris	Cecil C. Sanders	
Thomas J. Murphy	LeRoy Saylor	T. D. Winstead
Goebel W. Newsom, Jr.	W. R. Smith	Charles W. Wirsch
	Mrs. Thelma L. Stovall	Walker H. Wiseman
		Dr. Clyde D. Wooton
Foster Ockerman	James Treadway	
Louis T. Peniston	Eulick Walsh	
Roger E. Qualls		--77

Resolved that the title thereof be as aforesaid.

Mr. Anderson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House take up for consideration from the Orders of the Day H. B. No. 365.

Said motion was agreed to.

Mr. Lowman read to the House the following letter, viz:

February 17, 1954

Honorable Harry King Lowman
Majority Floor Leader
House of Representatives
Frankfort, Kentucky
Dear Mr. Lowman:

The purpose of this letter is to certify to you that the attached bill, AN ACT relating to public school education, will enact into law a foundation program of education for the public schools of Kentucky. This act is designed to make available an adequate level of educational services and facilities for every child in each school district in the State.

The proposed foundation program law represents the composite thinking of numerous professional and law groups throughout Kentucky. In drafting this law, due consideration has been given to the advice and counsel of practices that are working successfully in other states.

The proposed bill has the wholehearted support and endorsement of the educational leadership of this State. We are respectfully requesting the passage of this act by the 1954 session of the General Assembly.

Sincerely yours,

/s/ Wendell P. Butler
Superintendent Public Instruction
/s/Lyman V. Ginger
President Kentucky Education Association

and made the following comment, viz:

Mr. Speaker, Ladies and Gentlemen of the House:

Before we vote on House Bill 365, I should like to give the members of the House a little background of information leading up to the requested action on this measure. As all of you know, the 1952 session of the General Assembly authorized that the amendment to Section 186 of the State Constitution be submitted to the voters at the general election in November, 1953. The proposed amendment provided that the section of the Constitution requiring at least 75 percent of the Common School Fund to be distributed on a pupil census basis to be amended to permit the General Assembly to determine the method of distributing money appropriated to the public schools of the state. Under the leadership of Governor Wetherby and his official family and through the combined effort of all of us who are interested in education, the amendment to Section 186 was adopted by the people of Kentucky by an overwhelming majority. In announcing his support of and in encouraging the people of Kentucky to vote to amend Section 186 of the Constitution Governor Wetherby stated "I shall recommend to the 1954 session of the Legislature:

1. That if the total appropriation to common schools for the 1954-56 biennium is equal to the appropriation for the 1952-

54 biennium, the amount of the per capita fund will be retained and *be distributed* by the same method which has been in effect for 1952-54.

2. That if the total appropriation to the common school fund for 1954-56 is greater than the 1952-54 appropriation, the additional money be placed in the equalization fund."

This Bill protects that commitment of the Governor to the people of the Commonwealth.

I should like to point out to you further that the Legislative Research Commission has made an honest effort to survey the current educational situation and to determine the type of educational program and services which the people of Kentucky want for their children. These findings have been submitted to you in published reports by the Legislative Research Commission.

The leaders of the Educational Profession in Kentucky wrote the Foundation Progress Act which is before you today. This Bill represents what the leaders of the Kentucky Educational Association and the members of the State Department of Education say they want us to enact into law. They indicate to us that they have studied the practices in other states which have established foundation education progress and that they propose to continue to study such programs in view of strengthening the act which has been prepared for your adoption.

This Bill is being presented not as an administration measure but one which 67 members of this House have signed as co-sponsors. We are not in position to determine the validity, of the highly technical features of this act. The administration proposes that those who are responsible for seeing that the law operates should be permitted to draft the overall plan. Education has drafted this plan. The educational leaders have said to us that "this is what we want" and I think this is what they ought to have. I do not think that we are in position this morning to offer amendments to the law inasmuch as we do not have information on what effects such amendments would have. One simple and seemingly harmless amendment could very easily void the administration of the whole act.

May I read you a statement co-signed by Mr. Wendell P. Butler, Superintendent of Public Instruction, and Dr. Lyman V. Ginger, President of the Kentucky Education Association.

(Quote from letter)

May I, furthermore, recite to you what the leaders of education say to us are the essential features of the proposed Foundation Program Law.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 365. AN ACT relating to public school education; to provide for the establishment, operation, and financing of a foundation program for the public schools in the Commonwealth of Kentucky and for the apportionment, distribution, and use of the public school foundation program fund.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. In this Act, it is the intention of the General Assembly to assure substantially equal public school educational opportunities, through a foundation program, for those in attendance in the public schools of the Commonwealth, but not to limit nor to prevent any school district from providing educational services and facilities beyond those assured by the foundation program; and to provide, as additional state funds are made available for the public schools, for the use of such Funds for the further equalization of educational opportunities. This Act shall be interpreted as a measure to provide for an efficient system of public schools throughout the Commonwealth, as prescribed by section 183 of the Constitution of Kentucky, and for the manner of distribution of the public school fund among the districts and its use for public school purposes, as prescribed by section 186 of the Constitution.

SECTION 2. As used in this Act, unless the context otherwise requires:

(1) "Average daily attendance" means the aggregate days attended by pupils in a public school, divided by the actual number of days the school is in session for the year.

(2) "Average daily membership" means the aggregate days of membership of pupils in a public school divided by the actual number of days the school is in session for the year:

(3) "Board" means the board of education of any county or independent school district;

(4) "Class room unit" means the unit for measuring educational needs for foundation program purposes;

(5) "District" means any school district as defined by law;

(6) "Elementary school" means a school consisting of grades one through eight, or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board;

(7) "Foundation program" means the level of educational services and facilities, as defined in this Act, which is to be provided in each district from the required local tax effort and the public school foundation program fund;

(8) "Isolated school" means an elementary or secondary school which had fewer than one hundred pupils in average daily attendance during the previous school year and which meets such standards for isolation as shall be prescribed by the regulations of the State Board of Education, based on factors to include distance by the nearest passable road from another appropriate school center which is able to receive the pupils, and the time for transportation necessary to attend another school; provided, however, that the Superintendent of Public Instruction, under regulations of the State Board of Education, may annually classify a school as "temporarily isolated" for a period not to exceed five years if satisfactory facilities for the pupils cannot be provided at another appropriate school center;

(9) "Public school foundation program fund" means the fund created by section 3 of this Act for use in financing education in public elementary and secondary schools;

(10) "Regulations of the State Board of Education" means those regulations which the State Board of Education may adopt upon the recommendation and with the advice of the Superintendent of Public Instruction. The Superintendent of Public

Instruction shall recommend for adoption of the State Board of Education such rules and regulations as he deems necessary for carrying out the purposes of this Act;

(11) "Required local tax effort" means the amount of money required to be provided by a district from local revenue sources toward the cost of the foundation program in the district;

(12) "Secondary school" means a school consisting of grades seven through twelve, or any appropriate combination of grades within this range as determined by the plan of organization for schools authorized by the district board. When grades seven through nine or ten are organized separately as a junior high school, or grades ten through twelve are organized separately as a senior high school and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of this Act;

(13) "Single salaried schedule" means a schedule adopted by a local board and approved by the State Board of Education upon recommendation of the Superintendent of Public Instruction, which is based on training, experience and such other factors as the board may authorize and which does not discriminate between salaries paid elementary and secondary teachers;

(14) "Teacher" means any full-time regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, director of pupil personnel, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary school for whom certification is required as a condition of employment;

(15) "Transportation unit" means the unit for measuring pupil transportation needs for foundation program purposes.

SECTION 3. (1) There is hereby established the public school foundation program fund which shall consist of two accounts: one to be designated the per capita account and the other to be designated the equalization account, consisting of appropriations for distribution to districts in accordance with the provisions of this Act.

(2) The resources of the public school foundation program

fund shall be paid into the State Treasury, and shall be drawn out or appropriated only in aid of public schools as provided by statute.

SECTION 4. The Superintendent of Public Instruction shall, on or before July 1 in each year, ascertain for the school year the amount of the per capita account to which each district will be entitled according to the number of children listed in its census enumeration as shown by the annual report of the director of pupil personnel; provided, however, that not more than $26,212,500 shall be apportioned on a per capita basis in any year. The Department of Finance shall furnish the Superintendent of Public Instruction any data needed in making the apportionment. The Superintendent of Public Instruction shall, as soon as practicable, file a copy of the apportionment with the Department of Finance, and inform the board of each district of the amount to which the district is entitled.

SECTION 5. (1) Each district which meets the following requirements shall be eligible to share in the distribution of funds from the equalization account of the public school foundation program fund:

(a) Employs and compensates all teachers for not less than nine scholastic months; provided, that the State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than nine scholastic months, in which case the eligibility of a district for participation in the equalization account shall be in proportion to the length of time teachers actually are employed;

(b) Operates all schools for a length of term which meets the requirements of KRS 158.070 and regulations of the State Board of Education; provided, that if the school term is less than nine months the eligibility of a district for participation in the equalization account shall be in proportion to the length of term the schools actually operate;

(c) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of this Act;

(d) Makes the required local tax effort, except as otherwise provided by section 10 (2) of this Act;

(e) Provides for the assessment and levy of school taxes in an amount which shall not be less during 1954-55 or 1955-56 than the amount received by the district from this source during 1953-54 unless the Department of Revenue certifies to the Superintendent of Public Instruction a decreased total value of property subject to taxation for school purposes in such district.

(f) Includes no non-resident pupils in its average daily attendance, except by written contract with the district of the pupils' legal residence;

SECTION 6. (1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall allot to each district classroom units for elementary and secondary schools, classroom units for vocational education, classroom units for special instructional services for exceptional children, classroom units for superintendents, principals and their certificated assistants and special instructional service personnel, classroom units for supervisors of instruction, and classroom units for directors of pupil personnel; provided, however, that the number of classroom units alloted any district shall not exceed the number of teachers employed by the district.

(2) In alloting classroom units for elementary and secondary schools, one classroom unit shall be included for each twenty-seven pupils in average daily attendance; provided, however, that one classroom unit shall be included for each isolated one-teacher school and one unit shall be included for each twenty-five pupils in average daily attendance at all other isolated schools; provided, however, that one twenty-seventh of a classroom unit shall be included for each pupil in average daily attendance at Lincoln Institute of such attendance is under provisions of a written contract between Lincoln Institute and the district of the pupil's legal residence.

(3) Allotments of classroom units in accordance with subsection (1) of this section shall be made on the average daily attendance for the previous school year; provided, however, that if the average daily attendance in any district for the first

two months of the current school year is greater than the average daily attendance of the district for the first two months of the previous school year, upon application of the district board, made prior to December 1, the total number of classroom units allotted the district shall be increased by the percent of increase; and provided further, that if the average daily attendance of any district shall have been reduced more than three percent during the previous school year due to such factors as epidemics, inclement weather, or disaster, upon application of the district superintendent, made before July 1 of that year, the number of classroom units allotted the district for the ensuing school year shall be increased by the difference in percent between the ratio of the average daily attendance to the average daily membership for the scholastic year just ended, and the ratio of the average daily attendance to the average daily membership for the two highest of the three preceding scholastic years.

(4) In allotting classroom units for vocational education, one classroom unit shall be allotted for each full-time teacher, and a proportionate fraction of a classroom unit shall be allotted for each less than full-time teacher, of vocational classes that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education; a proportionate fraction of a classroom unit shall be allotted for each teacher employed to teach evening, part-time, or short unit classes for less than a school day or a school year, that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education.

(5) In allotting classroom units for special instructional services for exceptional children, one classroom unit shall be included for each teacher approved to teach such children in accordance with the provisions of law and regulations of the State Board of Education.

(6) In allotting classroom units for superintendents, principals, their certificated assistants, and special instructional service personnel, the total number of classroom units allotted in subsections (2) through (5) inclusive shall be divided by eight and the quotient shall be the number of classroom units allotted to the district for superintendents, principals, their certificated

assistants and such special instructional service personnel as are authorized by regulations of the State Board of Education.

(7) In allotting classroom units for supervisors of instruction, one half of a classroom unit shall be allotted each district which is allotted twenty-five through forty-nine classroom units; one unit shall be allotted each district which is allotted fifty to one hundred classroom units; one unit shall be allotted for each one hundred classroom units, or major fraction thereof, in districts allotted more than one hundred classroom units.

(8) In allotting classroom units for directors of pupil personnel, who shall have the qualifications and duties prescribed by statute for attendance officers, one classroom unit shall be allotted each district which is allotted thirty-six to one hundred and sixty-six classroom units, and a unit for each additional two hundred and sixty-six classroom units. For districts having less than thirty-six classroom units, a proportionate fraction of a classroom unit shall be allotted.

(9) In allotting classroom units under subsection (1) through (8) the Superintendent of Public Instruction, under regulations of the State Board of Education, may allot units on the basis of an area larger than a district for educational services which cannot be adequately and economically provided on a district basis.

SECTION 7. (1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall allot to each district transportation units.

(2) One transportation unit shall be allotted for each eighty pupils in average daily attendance who are transported to school at public expense and who live one or more miles from school by the nearest traveled road; provided, that handicapped children may be included who live less than this distance from school.

(3) One transportation unit shall be allotted for each fifty square miles served by school transportation facilities of the district if seventy-five percent or more of the total miles of bus routes of the district is hard-surfaced; one transportation unit for each forty-five square miles if between forty and seventy-

four percent of the total miles of bus routes of the district is hard-surfaced; and one transportation unit for each forty square miles if less than forty percent of the total miles of bus routes of the district is hard-surfaced.

(4) Where more than one transportation system is required by law or regulations of the State Board of Education, additional transportation units shall be allotted on application of the district board.

(5) The Legislative Research Commission is hereby directed to conduct a study of pupil transportation in Kentucky and report its findings to the General Assembly on or before January 1, 1956.

SECTION 8. (1) On or before July 1 of each year the Department of Revenue shall determine the aggregate assessed value of all property subject to assessment for school tax purposes, and shall determine the percentage the equalized value of property in each district is of the total equalized value of all property in the Commonwealth subject to taxation for school purposes and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each district. If such assessment has not become final by July 1 of any year, the Department of Revenue shall, on the basis of other information as may be available, make an estimate of the assessment of all property subject to local school tax in each school district and the estimate shall be used in lieu of the aggregate assessed value.

(2) In determining the required local tax effort for districts which participate in the equalization account, including the capital outlay allotment, the Superintendent of Public Instruction shall divide the aggregate assessed value of all property in the Commonwealth subject to taxation for school purposes by one hundred and multiply the quotient thereof by one dollar and ten cents. The product thereby obtained shall be multiplied by each district's percentage of the total equalizd value of all property in the Commonwealth subject to taxation for school purposes. In determining the required local tax effort for districts which do not participate in the capital outlay allotment of the equalization account, the multiplier shall be one dollar.

(3) Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

(4) A portion of funds received by any district from the federal government in lieu of taxation of property shall be added to the district's required local tax effort. The portion of such federal funds added to the district's required local tax effort shall be the percentage the required local tax effort is of the total levy for school current expense purposes made in the district during that year.

SECTION 9. (1) The Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers in ranks as follows:

RANK I. Those holding regular certificates and who have a master's degree and who have earned twenty-four semester hours of approved graduate work beyond the master's degree;

RANK II. Those holding regular certificates and who have a master's degree or its equivalent or one year of approved graduate work beyond the bachelor's degree;

RANK III. Those holding regular certificates and who have an approved four-year college degree or the equivalent;

RANK IV. Those holding certificates based on ninety-seven to one hundred and twenty-eight semester hours of college training or the equivalent;

RANK V. Those holding certificates based on sixty-five to ninety-six semester hours of college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank;

RANK VI. Those holding certificates based on thirty-three to sixty-four semester hours of college training or the equivalent;

RANK VII. Those holding certificates or permits based on less than thirty-three semester hours of college training or the equivalent.

In determining rank equivalents, the Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers who hold certificates as of the date of this Act in the respective ranks according to earned semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(2) The amount to be included in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set fourth in the following allotment schedule for each rank:

Rank I	$3,500
Rank II	3,200
Rank III	2,900
Rank IV	2,400
Rank V	2,100
Rank VI	1,800
Rank VII	1,500

provided the amount to be included for vocational units, supervisory units, and units for administrators, directors of pupil personnel and special instructional services shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the Superintendent of Public Instruction under regulations of the State Board of Education. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of this Act, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(3) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by six hundred dollars.

(4) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by four hundred dollars.

(5) The amount to be included in the foundation program for transportation shall be determined by multiplying the number of transportation units by sixteen hundred dollars.

(6) The total cost of the foundation program for each district shall be the sum of the allotments in subsections (2), (3), (4) and (5) above.

SECTION 10. (1) The amount of money distributable to each district from the equalization account shall be determined by subtracting the required local tax effort, any portion of federal funds required to be included, as set forth in Section 8 (5) of this Act, and the amount of funds from the per capita account to which each district is entitled, from the total foundation program allotment for the district as determined in Section 9.

(2) If a district fails for any reason to make the required local tax effort, as provided in Section 8, the amount of the apportionment of the equalization account to be paid to such district shall be reduced by the percentage of loss from the required local tax effort.

(3) So much of the equalization account which would not be distributed under subsection (1), due to the failure of one or more participating districts to meet the full requirements, shall be held in the account for distribution the following year among districts which meet the requirements for participation.

SECTION 11. For each school year the Department of Finance, on the certification of the Superintendent of Public Instruction, shall draw warrants as specified hereinafter on the State Treasurer for the amount of the public school foundation program fund due each district. Checks shall be issued by the State Treasurer and transmitted to the Department of Education for distribution to the proper officials of the several school

districts when the districts have fully complied with the school laws and rules and regulations of the State Board of Education. The Superintendent of Public Instruction shall determine on or before July 15 of each year the tentative allotment of school funds to which each district is entitled under the provisions of this Act. Beginning August 1 of each year and on the first of each month thereafter for seven successive months one-twelfth of each district's share of the public school foundation program fund shall be distributed. On or before March 1 of each year the Superintendent of Public Instruction shall determine the exact amount of the public school foundation program fund to which each district is entitled and the remainder of the amount due each district for the year shall be distributed in four equal installments beginning March 15 and for three successive months thereafter.

SECTION 12. Public school foundation program funds made available to the credit of each district during any year, together with the funds required from local tax effort, shall be received, held and expended by the district board, subject to the provisions of law and regulations of the State Board of Education. The following restrictions shall govern the expenditure of funds from the equalization account:

(1) Funds allotted each district for salaries of teachers shall be used only for teachers holding properly authorized certificates. The average salary paid any rank of teachers shall be at least equivalent to the equalization account allotment for that rank as established in section 9 (2) of this Act, and no teacher shall be paid less than ninety-percent of the equalization account allotment for that rank;

(2) The capital outlay allotment for each district from the equalization account and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the Superintendent of Public Instruction in accordance with requirements of law, and based on a survey made in accordance with rules and regulations prescribed by the State Board of Education. These funds shall be used for the following purposes:

(a) For direct payment of construction costs;

(b) For debt service on bonds issued subsequent to the passage of this Act;

(c) For payment on lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For debt service on bonds issued prior to the passage of this Act, if it has been determined by the survey that this district has met all of its major capital outlay needs:

(e) As a reserve fund for the above named purposes, to be carried forward in ensuing budgets, if not needed for the current year; provided, however, if any district has a special levy for capital outlay that is equal to the capital outlay allotment or a proportionate fraction thereof, and spends the proceeds of that levy for the above named purposes, the Superintendent of Public Instruction, under regulations of the State Board of Education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

SECTION 13. (1) If, when the apportionments are being determined under the provisions of this Act, funds appropriated by the General Assembly to the public school foundation program fund plus the funds required from local tax effort are insufficient to provide the amount of money required under Section 10 (1) the Superintendent of Public Instruction shall make a percentage reduction in the amount included for the foundation program in each district to the extent necessary to reduce the cost of the foundation program to funds available, provided that no district shall receive less than the amount provided for under Section 4 of this Act and provided that during fiscal years 1954-55 and 1955-56, no district which received equalization funds during 1953-54 fiscal year shall receive a smaller amount than the amount it would receive under Section 4 plus the amount of equalization funds it received during the 1953-54 fiscal year, unless the average daily attendance for the district is reduced from that of 1952-53 in which case the amount of equalization funds shall be reduced proportionately.

(2) Under the terms of subsection (1) of this section, the State Board of Education upon recommendation of the Super-

intendent of Public Instruction may waive any or all of the requirements contained in Section 5 (1) (a) and (b), Section 6 (3), and Section 12 (1) and (2) and that part of Section 6 (1) which provides that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(3) Whenever it shall become necessary to invoke subsection (2) of this section, each district affected shall submit to the Superintendent of Public Instruction for the approval of the State Board of Education a plan through which maximum use will be made of the funds apportioned to attain, in so far as possible, the objectives set forth in this foundation program act, provided that such plan does not result in the payment to any teacher of a salary less than the amount paid for the same proportionate time in 1953-54.

SECTION 14. In addition to the local tax effort required by Section 8, for participation in the equalization account of the public school foundation program fund, such districts or any other district may exceed this levy or the maximum levy provided by KRS 160.475 provided that, upon request of the board, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, in the manner of submitting and voting as prescribed in KRS 160.477 (1), the question as to whether a rate of more than one dollar and fifty cents or the required local tax effort, whichever rate is higher, shall be levied. If a majority of those voting on the question favor the increased rate, the tax levying authority shall, when the next tax rate for the district is fixed, levy the rate requested by the board not to exceed the rate authorized by the voters.

SECTION 15. Any person who willfully violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars.

SECTION 16. (1) KRS 160.530 is hereby repealed and reenacted to read as follows: The money collected by taxation under the provisions of KRS 160.460 to 160.520 and other school money shall be expended by the board of education in accord-

ance with the recommendations contained in the budget submitted to the tax levying authority.

(2) The following sections of the Kentucky Revised Statutes are hereby repealed: 157.020 KRS, 157.040 KRS, 157.050 KRS, 157.051 KRS, 157.052 KRS, 157.053 KRS, 157.054 KRS, 157.055 KRS, 157.070 KRS, 157.080 KRS, 157.090 KRS, 161.150 KRS, and all acts and parts of acts in conflict with this Act are hereby repealed.

SECTION 17. This Act shall take effect and become fully operative July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.
Walter J. Bailey	Owen Billington	Edward O. Bridgers
John Rhea Banton	Leo A. Bleemel	Charles W. Buchanan
Clarence J. Barnum	J. Murray Blue	Harry M. Caudill
Wallace Bartley	J. C. Bradley	

Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
—88

Those who voted in the negative were—

Vernor O. Cottengim
James A. Dressman, Jr.
Thomas P. Fitzpatrick
—3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. B. No. 268 retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 180. AN ACT relating to the compensation and bond of the chief and all other appointees and employees appointed by the county judge, and granting authority for the provision of equipment and the levy and appropriation therefor, and amending Section 70.560 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

WHEREAS, Section 70.560, being Chapter 115 of the Acts of 1942, and as amended by Chapter 18 of the 1946 Acts, provided, among other things, for the fixing of the salaries or compensation of the chief and all other appointees and employes appointed by the county judge in the various counties, and further granted power and authority to the fiscal court to provide for bonds for said chief, appointees and employes and equipment with which the duties of the various offices could be carried out, including the levy and appropriations therefor; and

WHEREAS, the General Assembly did, by Chapter 123 of the 1950 Acts, and particularly Paragraphs Number 17, Number 18 and Number 27, which are now known as Sections 64.610, 64.620 and 64.690 of the Kentucky Revised Statutes, grant the power and authority to county board and commissions to fix the salary and compensation of any officer or employe thereof, either with or without statutory limits, subject only to the limitations contained in KRS 64.480 to 64.760; and

WHEREAS, by virtue of the enactment and passage of said Chapter 123 by the General Assembly of 1950, that portion of Kentucky Revised Statutes, to wit: KRS 70.560, relating to the fixing of salaries and compensation for the chief and all other appointees and employes appointed by the county judge, is surplusage and no longer necessary, and its inclusion as part of KRS 70.560 has caused confusion concerning the right, power and authority of fiscal courts to fix such salary and compensation; and

WHEREAS, in order to clarify the situation and clear up the doubt and confusion, it is fit and proper that that portion of KRS 70.560 relating to the fixing of such salary and compensation be deleted and removed, such authority being now vested by KRS 64.610, 64.620 and 64.690, but that there remain on the statute books the last portion of said KRS 70.560 providing for necessary equipment and the bonding of such chief, appointees and employes and the levy and appropriation to provide funds therefor; and

WHEREAS, this Act is wholly and solely for the purpose of clarifying such situation and merely accomplishes the purpose of removing that portion of KRS 70.560 relating to the fixing of such salary and compensation, and leaves undisturbed the remaining portion thereof relating to equipment, bonds and the authority to make a levy and appropriation to provide therefor;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 70.560 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court shall, by order, fix the amount of the salary of all appointees and may within their discretion provide for motor vehicles, stations, substations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the judge of the county court, direct the amount of bond to be required of each member of said county police force and may, in their discretion, provide for the payment of premiums on said bonds out of funds appropriated for said county police force.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Warren D. Williams

Charles W. Wirsch Walker H. Wiseman Dr. Clyde D. Wooton
—71

There voted in the negative—

George R. Martin

—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 191. AN ACT concerning the conditions of disqualification for unemployment insurance benefits.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 341.360 of the Kentucky Revised Statutes is amended to read as follows:

No worker may serve a waiting period or be paid benefits for any week of unemployment with respect to which:

(1) A strike or other bona fide labor dispute which caused him to leave or lose him employment is in active progress in the establishment in which he is or was employed, except that waiting periods may be served and benefits may be paid unless the employer notifies the Division in writing within seven days after the beginning of such alleged strike or labor dispute of the alleged existence of such strike or labor dispute.

For the purpose of this subsection a lock-out shall not be deemed to be a strike or a bona fide labor dispute and no worker shall be denied credit for a waiting period or be denied benefits by reason of a lock-out, provided that this subsection shall not apply if it is shown that:

(a) He is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; and

(b) He does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in, or financing, or directly interested in the dispute; or

(2) He has received or is seeking unemployment compensation under an unemployment compensation law of another state or of the United States, except as otherwise provided by an arrangement between this state and such other state or the United States. But if the appropriate agency of such state or of the United States finally determines that he is not entitled to such unemployment compensation, this subsection shall not apply.

Mr. Murphy moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
Harold Edmonds
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
William E. Maglinger
William C. Mann
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
L. M. Tipton Reed
Russell Reynolds
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
E. H. Stumbo
Eulick Walsh
W. W. Webster
Warren D. Williams
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton

—44

Those who voted in the negative were—

John Rhea Banton
Wallace Bartley
Owen Billington
J. C. Bradley
Paul Cobb
Charles W. Craig
C. E. Dowell
Harold G. Helm
David Heskamp
Varna Holt
William M. Horn
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
LeRoy Saylor
W. R. Smith
C. Waitman Taylor
James Treadway
William B. Wells
T. D. Winstead

—34

Resolved that the title thereof be as aforesaid.

Mr. Murphy moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 47. AN ACT relating to removal of improvements on unimproved or unproductive lots.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 381.450 of the Kentucky Revised Statutes is hereby repealed and re-enacted as follows:

Owners of particular estates of freehold, in possession or in estates for years, in unimproved or unproductive lots or land in which other persons are the owners of the reversion or remainder, may, within ninety days after the interest or estate in such lots ceases, remove any improvements they have erected thereon.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Varna Holt
William M. Horn
William L. Jones
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
Carl D. Melton
Tom Mobley
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
W. W. Webster
Hicks Wells
William B. Wells
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton

—66

There voted in the negative—

William C. Mann —1

Resolved that the title thereof be as aforesaid.

Mr. Newsom moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 219. AN ACT relating to sureties on bonds of city or county officers.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Individual sureties on bonds required by law to be executed and given by an officer of any city or county as provided in subsection (1) of KRS 62.060, shall not become surety on more than one bond of any such officer at the same time.

Mr. Newsom moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Wathen moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Wallace Bartley	J. Murray Blue
Walter J. Bailey	Charles E. Baumgardner, Sr.	J. C. Bradley
John Rhea Banton	Owen Billington	Edward O. Bridgers
Clarence J. Barnum	Leo A. Bleemel	Charles W. Buchanan

Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
Harold G. Helm
David Heskamp
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Warren D. Williams
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
—75

Resolved that the title thereof be as aforesaid.

Mr. Newsom moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker, Mr. Burnley, having vacated the chair, Mr. Harris became the Speaker pro tem and took the chair.

Mr. Burnley moved that the rules of the House be suspended for the purpose of introducing a guest.

Said motion was agreed to.

SENATE MESSAGE

A message received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 119. AN ACT relating to gas distribution districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Gas distribution districts may be established for the purpose of furnishing natural, artificial or mixed gas to the public in areas in which gas is not at the time being furnished by a public utility operating under a certificate of convenience and necessity.

Sec. 2. Gas distribution districts shall be established, organized, governed and operated in all respects as provided in KRS 74.010 to 74.390 for water districts, and all of the provisions of those statutes shall apply to gas distribution districts the same as if the word "gas" were substituted for the word "water."

S. B. No. 135. AN ACT relating to the terms of fiscal courts, enabling fiscal courts to hold monthly special terms, declaring an emergency, and amending Section 67.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 67.090 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. (1) The fiscal court of each county shall hold its sessions at the county seat.

(2) The fiscal court shall hold two regular terms each year, which shall continue until the business of the court is completed. The county judge may, by an order of record, fix the dates for the commencement of the regular terms, but one of the terms must be held in October; if he does not fix the terms, the first

regular term shall commence on the first Tuesday of April and the second regular term on the first Tuesday of October.

(3) The county judge may call a special term of the fiscal court for the transaction of any business of which that court has jurisdiction. Whenever a special term is necessary and the county judge is unable, or refuses to act, a majority of the members of the fiscal court may call the special term.

S. B. No. 127. AN ACT relating to the office of City attorney in cities of the fourth class; amending section 69.560 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.560 of the Kentucky Revised Statutes is amended to read as follows:

The qualified voters of cities of the fourth class, except those operating under the Commission or City Manager form of government, shall elect a city attorney for a term of four years. The city attorney must be a resident of the city, at least twenty-four years of age, have been a practicing attorney for at least two years, and a resident of the county for at least six months before his election. The city attorney shall prosecute all pleas of the Commonwealth and all warrants or proceedings instituted for violation of the ordinances or municipal regulations of the city in police court, attend the meetings of the city legislative body, advise it in all matters of litigation or legal proceedings, and perform any other duties in his department required by the city legislative body. The city legislative body shall fix his compensation by ordinance before his election as provided in KRS 64.560.

S. B. No. 147. AN ACT relating to abandoned refrigerators, iceboxes and ice chests.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person, firm or corporation which abandons or discards,

in any place accessible to children, any refrigerator, icebox or ice chest, of a capacity of one and one-half cubic feet or more, which has an attached lid or door which may be opened or closed by means of an attached latch, or any owner, lessee or manager of such place who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain in such condition, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Ordered that said bills be printed and referred.

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 88. AN ACT relating to the organization and powers of water districts, and declaring an emergency.

H. B. No. 165. AN ACT relating to dairying and creating a dairy commission.

Ordered that said bills be delivered to the enrolling clerk.

Mr. Lowman moved that H. B. No. 160 and H. B. No. 27 retain their places in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 277. AN ACT relating to the compensation of certain elective state officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.480 of the Kentucky Revised Statutes is amended to read as follows:

Effective, with respect to the offices of Governor and Lieutenant Governor, on the fifth Tuesday following the regular November election in 1951, and with respect to the other offices named in this section, on the first Monday in January, 1956, the compensation of the following named officers, pay-

able monthly out of the State Treasury, shall be the sum per annum designated for the respective offices, as follows:

Governor, $10,000.

Lieutenant Governor, $3,000, this to be in addition to any per diem received during sessions of the General Assembly while serving in the capacity of President of the Senate, and any compensation received while acting in the place of the Governor.

Attorney General, $8,500.

Superintendent of Public Instruction, $8,500.

Commissioner of Agriculture, Labor and Statistics, $7,500.

Secretary of State, $7,500.

State Treasurer, $7,500.

Auditor of Public Accounts, $7,500.

Clerk of the Court of Appeals, $7,500.

Mr. Caudill offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 64.480, line 10 so that said line, when so amended, shall read:

Governor, $15,000

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Warren D. Williams
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton

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Those who voted in the negative were—

J. Murray Blue	Varna Holt	LeRoy Saylor
Charles W. Craig	George R. Martin	

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker, Mr. Burnley, resumed the chair.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 176. AN ACT relating to frozen food locker plants.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. Section 221.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Health;

(2) "Department" means the Department of Health;

(3) "Food" includes any article used by man for food, drink, confectionery or condiment, or which enters into the composition of the same whether simple, blended, mixed or compounded;

(4) "Frozen food locker plant" means a location or establishment in which space in individual lockers is rented to persons for storage of frozen food and which is equipped with a chill room, sharp freezing facilities and facilities for cutting, preparing, wrapping and packaging meats and meat products, fruits and vegetables;

(5) "Branch frozen food locker plant" means a location or establishment in which space in individual lockers is rented to persons for storage of frozen food after preparation for storage at a frozen food locker plant;

(6) "Sharp frozen" means the freezing of food in a room in which the temperature is zero degrees (Fahrenheit) or lower.

Section 2. Subsection (2) of Section 221.020 of the Kentucky Revised Statutes is amended to read as follows:

(2) There shall be paid to the commissioner with each application for a refrigerated locker license or for renewal of such license an annual license fee of ten dollars and the funds therefrom shall be disbursed by the commissioner for the enforcement of KRS 221.010 to 221.100.

Section 3. Subsection (1) of Section 221.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department, through its commissioner or his authorized agents, shall have the authority of supervising and enforcing the provisions of KRS 221.010 to 221.100.

Section 4. Subsection (1) of Section 221.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner may revoke or suspend a frozen food locker plant license if he finds on investigation that the licensee has violated any provisions of the law relating to frozen food locker plants or any law relating to the handling of human food, or has failed to comply with any regulation adopted pursuant to such laws; or that the premises or any equipment used in connection therewith is in an unsanitary condition.

Section 5. Upon the effective date of this Act, or as soon as practical thereafter, the Commissioner of Agriculture, Labor and Statistics shall deliver to the Commissioner of Health all undisbursed funds derived from the collection of refrigerated locker licenses or renewals of such licenses.

Section 6. Section 221.050 of the Kentucky Revised Statutes is hereby repealed.

Section 7. This Act shall become effective January 1, 1955.

Mr Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Charles W. Buchanan
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall

E. H. Stumbo	Will Tom Wathen	Charles W. Wirsch
C. Waitman Taylor	Hicks Wells	Walker H. Wiseman
James Treadway	William B. Wells	Dr. Clyde D. Wooton
Eulick Walsh	T. D. Winstead	–62

Those who voted in the negative were—

Harold G. Helm	Robert K. Montgomery	–2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 146. AN ACT relating to the compensation of coroners, and amending Section 64.180 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. (1) Coroners shall receive, out of the county treasury, such monthly compensation as the fiscal court of each county shall fix, subject to the following minimums:

County Population	Monthly Minimum Compensation
(a) 10,000 or less	$ 25.00
(b) 10,001 to 20,000	50.00
(c) 20,001 to 40,000	75.00
(d) 40,001 to 60,000	100.00
(e) 60,001 to 100,000	125.00

(2) In counties having a population of more than 100,000 and containing a city having a population of more than 40,000, coroners shall receive, out of the county treasury, such monthly

compensation as the fiscal court shall fix subject to a minimum of $200.00 per month. In addition such coroners may receive such supplemental salary as the county over 100,000 population and the city over 40,000 population may agree upon, and such supplemental salary and fees as the city may wish to pay.

Section 2. The provisions of this Act shall not apply to any coroner in office on the date it becomes effective.

Mr Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	O. O. Duncan
Walter J. Bailey	Charles W. Buchanan	Harold Edmonds
Clarence J. Barnum	William J. Conley	Addison L. Everett
Wallace Bartley	R. Josh Cosby	Thomas P. Fitzpatrick
Charles E. Baumgardner, Sr.	Charles W. Craig	Cabell D. Francis
Leo A. Bleemel	John L. Day	W. L. Hadden
J. Murray Blue	C. E. Dowell	Harold G. Helm
J. C. Bradley	James A. Dressman, Jr.	Chester J. Holsclaw
		Varna Holt

William M. Horn	Tom Mobley	Mrs. Thelma L. Stovall
William L. Jones	Walter R. Moorman	E. H. Stumbo
Talmage Lacy	Fred Morgan	C. Waitman Taylor
Harry King Lowman	Goebel W. Newsom, Jr.	James Treadway
Shelby McCallum	Louis T. Peniston	Will Tom Wathen
Caleb McFadden	Edward D. Pollitte	W. W. Webster
William E. Maglinger	Roger E. Qualls	Hicks Wells
Damon Majors	Paul T. Ratcliffe	Warren D. Williams
William C. Mann	L. M. Tipton Reed	T. D. Winstead
William J. Marcum	Robert Reid	Charles W. Wirsch
George R. Martin	William A. Routh	Walker H. Wiseman
Carl D. Melton	Cecil C. Sanders	Dr. Clyde D. Wooton
Alton B. Mitchell	LeRoy Saylor	—63

Those who voted in the negative were—

Harry M. Caudill	Jennings H. Kearby	Robert K. Montgomery
W. Marvin Davis		—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 211. AN ACT relating to the creation of an independent state agency to be known as the Kentucky State Athletic Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 229.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires other-

wise, "commission" means the Kentucky State Athletic Commission.

Section 2. There is hereby established an independent agency of state government to be known as the Kentucky State Athletic Commission. The Commission shall constitute an agency independent of the administrative department provided for in KRS Chapter 12. The commission shall consist of three members who shall be appointed by the Governor for terms of four years. The Governor shall also appoint their successors each successive fourth year. The members of the commission, with the exception of the chairman, shall receive no salaries, but shall receive their reasonable and necessary expenses in connection with the performance of their duties.

Section 3. The commission shall, at its first meeting, adopt a seal for the commission. Two of the members of the commission shall constitute a quorum to do business; and the concurrence of at least two members of the commission shall be necessary to render a choice or decision by the commission, except in matters of office and personnel direction and supervision which shall be attended to by the chairman as prescribed in Section 4 of this Act.

Section 4. The chairman of the commission shall be designated by the Governor and shall receive a salary not to exceed five thousand dollars per year. The chairman shall call meetings of the commission at his discretion, preside thereat and shall supervise and direct the functions of all personnel employed by the commission to carry out its duties.

Section 5. The commission shall appoint and at its discretion remove, a secretary to the commission, whose duty it shall be to keep a full and true record of its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission and to perform such other duties as the commission may prescribe. The commission shall prescribe the salary of the secretary within the limits of its appropriation and shall be authorized to employ such personnel as may be necessary to carry out the provisions of KRS Chapter 229. The salaries of all

personnel shall be fixed by the commission within the limits of its appropriation.

Section 6. The commission shall maintain a general office for the transaction of its business, space for which shall be secured by the State Property and Buildings Commission as provided in KRS 56.460.

Section 7. Section 229.020 of the Kentucky Revised Statutes is amended to read as follows:

Unless a license or permit has been granted by the commission, as provided in this chapter, no person shall:

(1) Engage in a prize-fight, or a fight for a bet or stakes;

(2) Act as a second in a fight, bear a challenge or the oral or written acceptance of a challenge for the fight, make up or aid in making up the stakes for the fight or assist in any way in the bringing on or conducting of the fight;

(3) Train or prepare, or assist another in training or preparing for such a fight in this or any other state;

(4) Be present at any such fight as a voluntary spectator;

(5) Voluntarily permit the use of any land owned, controlled or occupied by him for such a fight; or

(6) Engage in, or be voluntarily present at, a "pitched battle."

Section 8. Section 229.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall have sole control and jurisdiction over all boxing and wrestling matches and exhibitions held by any person. No boxing or wrestling match or exhibition shall be held except by the license of the commission and in accordance with this chapter.

(2) The commission may in its discretion issue, and at its discretion issue and revoke a license to hold a boxing or wrestling match or exhibition.

(3) The commission may hold hearings and may issue subpoenas for the attendance of witnesses. Any person who dis-

obeys a subpoena of the commission shall be subject to the same penalty as if the disobedience occurred in an action in the circuit court.

Section 9. Section 229.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every license shall be subject to such regulations as the commission prescribes.

(2) Every application for a license shall be in writing, shall be addressed to the commission and shall be verified by the applicant, if an individual, or by some officer, if a corporation or association, on whose behalf the application is made. It shall contain a recital of such facts as show the applicant entitled to receive a license and such other facts and recitals as the commission requires to be shown.

Section 10. Section 229.070 of the Kentucky Revised Statutes is amended to read as follows:

The license fee shall be three hundred dollars annually within fifteen miles of a city or cities having an aggregate population of two hundred thousand or more, two hundred dollars annually within fifteen miles of a city or cities having an aggregate population of more than seventy-five thousand and less than two hundred thousand and one hundred dollars elsewhere. The fee shall be payable to the commission.

Section 11. Section 229.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall issue a permit without the payment of any taxes or license, to any accredited college, university, school, Young Men's Christian Association or Young Men's Hebrew Association to hold boxing or wrestling matches or exhibitions upon a sufficient showing that the matches or exhibitions are to be held by and between bona fide students or members of such accredited colleges, universities, schools, Young Men's Christian Associations or Young Men's Hebrew Associations. The commission shall also issue a permit, without payment of taxes or license, to any organization to hold a boxing or wrestling match or exhibition under the sanction of the Kentucky Association of the Amateur Athletic Union of the United States.

No boxer or wrestler who has received any fee, purse or other compensation shall be eligible to appear in any match or exhibition sponsored by such a college, university, school, Young Men's Christian Association, Young Men's Hebrew Association, or organization.

(2) Any regularly organized post of the American Legion, and any organization operating solely for charitable purposes from which no individual, partnership or corporation derives any monetary gain, may hold boxing or wrestling matches or exhibitions without the payment of the licensee fee prescribed by KRS 229.070. Any post of the American Legion or other organization holding matches or exhibitions under this section shall be subject to the provisions of KRS 229.090 and 229.100.

Section 12. Section 229.090 of the Kentucky Revised Statutes is amended to read as follows:

Before a license is granted to any person to hold a boxing or a wrestling match or exhibition, the applicant shall file with the commission a bond in the sum of two thousand dollars, to be approved as to form and the sufficiency of the sureties by the commission, conditioned for the payment of the tax imposed by KRS 229.100. Upon the approval of the bond, the commission shall issue to the applicant a certificate of filing and approval, which shall be filed by the applicant with the commission, with the application for the license. No license shall be issued until such certificate has been filed.

Section 13. Section 229.100 of the Kentucky Revised Statutes is amended to read as follows:

Every person licensed by the commission, other than those holding a permit under subsection (1) of KRS 229.080, shall, within twenty-four hours after the termination of every match or exhibition, furnish to the commission a written report, verified by the person, if an individual, or by some officer, if a corporation or association, showing the number of tickets sold for the match or exhibition, the amount of the gross receipts and such other matters as the commission prescribes. He shall also, within the same period, pay to the commission a tax of five percent of the gross receipts from the sale of all tickets to the match or exhibition.

Section 14. Section 229.110 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a person fails to make the report within the time prescribed by KRS 229.100, or whenever the report is unsatisfactory to the commission, it may examine or cause to be examined the books and records of that person to ascertain and fix the total amount of its gross receipts for any match or exhibition and the amount of the tax due.

Section 15. Section 229.120 of the Kentucky Revised Statutes is amended to read as follows:

No boxing or wrestling match or exhibition shall be of more than twelve rounds in length except championship matches, which shall be limited in the discretion of the commission.

Section 16. Section 229.130 of the Kentucky Revised Statutes is amended to read as follows:

Contestants in a boxing match or exhibition shall be examined by a reputable licensed physician appointed by the commission. Contestants in a wrestling match or exhibition shall be examined by a reputable licensed physician hired by the person promoting the match or exhibition. All contestants shall be in excellent health before participating in a boxing or wrestling match or exhibition.

Section 17. Section 229.140 of the Kentucky Revised Statutes is amended to read as follows:

Decisions may be rendered in any boxing or wrestling match or exhibition, permitted by this chapter, in the discretion of the commission and by such method as it by rule prescribes.

Section 18. Subsection (6) of section 229.990 of the Kentucky Revised Statutes is amended to read as follows:

(6) Any person who fails to pay the tax ascertained under KRS 229.110 to be due, together with the expenses incurred in making the examination under KRS 229.110, within twenty days after notice to the delinquent person of the amount fixed by the commission, shall ipso facto forfeit his license and be disqualified from receiving a new license or a renewal of the license. In

addition, he shall forfeit and pay into the State Treasury five hundred dollars.

Section 19. There is hereby appropriated the sum of $15,275 for the 1954-1955 fiscal year, without lapse in that year and the sum of $15,000 for the 1955-1956 fiscal year to the Kentucky State Athletic Commission for the purpose of carrying out the provisions of KRS Chapter 229.

Mr Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	J. C. Bradley	John L. Day
Walter J. Bailey	Edward T. Breathitt, Jr.	C. E. Dowell
John Rhea Banton	Edward O. Bridgers	James A. Dressman, Jr.
Clarence J. Barnum	Charles W. Buchanan	O. O. Duncan
Wallace Bartley	Cassius M. Clay	Harold Edmonds
Charles E. Baumgardner, Sr.	William J. Conley	Addison L. Everett
Owen Billington	R. Josh Cosby	Herbert Fern
Leo A. Bleemel	Charles W. Craig	Cabell D. Francis
J. Murray Blue	W. Marvin Davis	W. L. Hadden
		C. Ruby Harralson

David Heskamp
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
Harry King Lowman
William E. Maglinger
Damon Majors
Walter R. Moorman
Fred Morgan
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
William A. Routh
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Hicks Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton

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Those who voted in the negative were—

Harry M. Caudill
Harold G. Helm
Jennings H. Kearby
Caleb McFadden
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Edward D. Pollitte
Lloyd E. Rogers
LeRoy Saylor
James Treadway
W. W. Webster

—13

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 210. AN ACT relating to county tax commissioners.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. Section 132.390 of the Kentucky Revised Statutes is amended to read as follows:

Each county tax commissioner may, subject to the approval

of the Department of Revenue, appoint any person who has the qualifications prescribed by the Department to assist him in the discharge of his duties. The compensation of deputies and assistants shall be subject to the approval of the Department. Each deputy or assistant may be removed at the pleasure of the county tax commissioner.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

In the event a tax commissioner resigns or deceases before the expiration of his term of office, the personal compensation for that part of the year in which he performed his duties as tax commissioner shall be that portion of the current annual earnings of the office that the time which he served in the calendar year bears to the whole year. The personal compensation of the duly appointed or elected successor for that part of the year in which he performed his duties as tax commissioner shall be that portion of the current annual earnings of the office that the time which he served in the calendar year bears to the whole year. In the interim between the death or resignation of the tax commissioner and the appointment or election of his successor, the Department shall administer the duties of the tax commissioner.

Mr Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
Harry M. Caudill
Cassius M. Clay
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Lon C. Hill
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Charles W. Burnley, Speaker

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Those who voted in the negative were—

Edward T. Breathitt, Jr.
Charles W. Buchanan

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 102. AN ACT relating to the establishment of a merit system for all county employes who are employed by fiscal courts, and officers and employes of the county police force and amending sections 78.400, 78.405, 78.410, 78.425, 78.430, 78.440, 78.445 and 78.455, of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. Section 78.400 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 78.400 to 78.460 and 78.990, the following words and terms shall have the following meaning:

(1) "Board" means the county merit board or boards hereinafter created.

(2) "Chief" means the chiefs of the county police forces affected by KRS 78.400 to 78.460 and 78.990.

(3) "Assistant chief" means the next in command to the chiefs of the county police forces affected by KRS 78.400 to 78.460 and 78.990.

(4) "Secretary" means the executive secretary and examiner employed by the county merit board or boards hereinafter created.

(5) "Officer" means any member of the county police forces affected by KRS 78.400 to 78.460 and 78.990 excluding the chiefs and assistant chiefs but including all commissioned or non-commissioned patrolmen, corporals, sergeants, lieutenants and captains.

(6) "Employe" means all other employes of the county police forces affected by KRS 78.400 to 78.460 and 78.990, and all county employes who are employed by fiscal courts and who are affected by KRS 78.400 to 78.460 and 78.990.

Section 2. Section 78.405 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any county of the Commonwealth of Kentucky may, by order of its fiscal court, duly made and entered of record, create a county merit system covering employes who are employed by the fiscal court and members of the county police force, and for that purpose, establish a county merit board, whose duties it shall be to classify and examine applicants seeking employment by the fiscal court or as officers or employes of the police force of the said county, excluding the chief and assistant chief, and in addition to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action of the persons named herein and covered by KRS 78.400 to 78.460 and 78.990, and in addition thereto, to hold such hearing, public and executive, and impose such penalties upon the personnel affected by KRS 78.400 to 78.460 and 78.990.

(2) Fiscal courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said board.

Section 3. Section 78.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county judge, subject to the approval of the fiscal court of the county, shall apoint four persons, who shall constitute the county merit board of such county, who shall serve without compensation, and the county judge shall be a member ex officio of the said board, but shall only vote in case of a tie vote on any matter before the board for determination. Each board appointee shall be at least thirty years of age, a resident of the county affected, and not related by either blood or marriage to either the county judge or any member of the fiscal court of the said county. The first members of any said board

shall be appointed within the thirty day period following the effective date of an order duly made and entered by a fiscal court creating a county merit system and merit board, and one member of the board shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for four years except that appointments to fill vacancies within the respective terms shall be made only for the unexpired period of the respective terms. Any board member may be removed by resolution of the fiscal court of the county for neglect, incapacity, misfeasance or malfeasance on the part of said board members. No appointed board member shall hold any other public office elective or appointive during his term as a member of the board, and shall not receive any money, gift or consideration of any type from any person directly or indirectly for or on account of any recommendation, proposal or suggestion bearing upon the business of the board, the employes who are employed by the fiscal court or the county police force. Not more than two members shall be adherents of the same political party.

(2) Each appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking and filing an oath of office as required by law.

Section 4. Section 78.425 of the Kentucky Revised Statutes is amended to read as follows:

(1) All police officers of whatever rank and title except the chief and assistant chief of county police, all employes of every county police force affected by KRS 78.400 to 78.460 and 78.990 and all county employes who are employed by the fiscal court are covered by the provisions hereof. All such covered officers and employes on active duty or service as of the effective date of a duly made and entered order of the fiscal court of the said county creating a county merit system and board, shall be deemed fit and qualified to continue their respective duties of employment without examination or further qualification, except and unless the fiscal court shall within sixty days after the establishment of the board certify to the said board that any county employe whom it has employed is physically unfit to continue his or her duties, and except and unless the chief

of police of any county police force shall within sixty days after the establishment of the board certify to the said board that any officer or employe is physically unfit to continue his or her duties.

(2) All personnel covered by the provisions of KRS 78.400 to 78.460 shall be deemed to be permanent employes subject to their ability to satisfactorily perform their respective duties and further subject to their good behavior.

Section 5. Section 78.430 of the Kentucky Revised Statutes is amended to read as follows:

Within ten days after the creation of any board under KRS 78.400 to 78.460, the fiscal court with respect to county employes whom it has employed, and the chief of the county police force, with respect to officers and employes of the county police force, shall certify to the board the names, rank, rate of pay and the seniority of every officer and employe as of the effective date of the fiscal court order creating the board.

Section 6. Section 78.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every county merit system board created hereunder shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, promotion, demotion, transfer, layoff, reinstatement, suspension, fine and removal of the officers and employes covered by KRS 78.400 to 78.460. The board shall publish its rules and any amendments thereto by supplying a certified copy thereof to the county judge, the fiscal court and the chief of the county police force, and by posting a copy thereof conspicuously in the meeting room of the fiscal court and the office or place where the headquarters of the county police is maintained. Said rules and amendments thereto shall be published in the manner prescribed within three days after the adoption thereof.

(2) The rules in addition to other matters shall specifically provide for and cover the following:

(a) 1. Physical, mental, educational, citizenship and age requirement for new employes and officers.

2. Physical, mental, educational citizenship and age requirement for new employes and officers and seniority requirements for promotion from lower to higher rank or classification.

(b) 1. Open competitive written, oral and physical tests to determine the relative fitness of all candidates and examinations for original appointment and for promotion.

2. Public notices of examinations provided in (b) 1.

(c) Temporary appointments in case of emergency.

(d) Organization and meetings of the board.

(e) Procedure and conduct of public hearings.

Section 7. Section 78.445 of the Kentucky Revised Statutes is amended to read as follows:

Any county employe employed by the fiscal court may be removed, suspended, laid off, reduced in grade, or fined by the fiscal court for any cause which will promote the efficiency of county affairs, and the chief of the county police force may take the same action for the same reason with respect to officers and employes of the county police force, but before any such action is taken by the fiscal court or the chief of police against any officer or employe, they shall furnish the officer or employe concerned with a written statement of the reasons why the described action is taken. The officer or employe may be reduced, removed, suspended, laid off or fined from the date when such written statement of reasons is served upon him. Each officer or employe removed, suspended, laid off, reduced in grade, or fined shall be allowed a period of ten days within which he may file written answer to the charges and reasons which caused his suspension, removal, reduction or fine, which shall be made apart of the official records of the fiscal court or the police department. No trial or examination of witnesses shall be required in any such case except in the discretion of the fiscal court when affecting its employes, or in the discretion of the chief of police when affecting the officers and employes of the county police department. The fiscal court and the chief of police shall likewise furnish a copy of the written charges and reasons for their action to the board.

Section 8. Section 78.455 of the Kentucky Revised Statutes is amended to read as follows:

In all cases provided for in KRS 78.445 and 78.450, the action of the fiscal court, the chief of the county police force and the board shall be final except in the following cases:

Every action in the nature of a dismissal, suspension, reduction or fine made by the fiscal court the chief, or the board, shall be subject to review by the board at the request of any officer or employe affected by KRS 78.400 to 78.460, and in any case where the board, after investigation, is of the opinion that the disciplinary action taken by the fiscal court, the chief or the board itself, was brought about or influenced by reason of political activity or religious belief, any improper or unjustified prejudice, or misinterpretation of evidence or facts, then the board shall give notice and hold a public hearing with respect thereto, and in any case where, after such public hearing, a majority of the members of the board are of the opinion that the action of the fiscal court, the chief or the board itself is unjustified or unsupported by proper evidence, then the order instituting such action may be set aside and revoked by the board and the board may impose such penalty or punishment as it may deem necessary and appropriate. The board may, after investigation, increase any disciplinary action taken by the fiscal court, the chief or the board itself where such additional action is justified in the opinion of a majority of the members of the board.

Mr Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey
John Rhea Banton
Edward T. Breathitt, Jr.
Cassius M. Clay
Vernor O. Cottengim
John L. Day
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
C. Ruby Harralson
George F. Harris
David Heskamp
William L. Jones
Jennings H. Kearby
Talmage Lacy
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Tom Mobley
Robert K. Montgomery
Fred Morgan
Foster Ockerman
Louis T. Peniston
L. M. Tipton Reed
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
C. Waitman Taylor
Will Tom Wathen
William B. Wells
Charles W. Wirsch
Charles W. Burnley, Speaker

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Those who voted in the negative were—

Rev. Felix S. Anderson
Clarence J. Barnum
Wallace Bartley
Owen Billington
J. Murray Blue
J. C. Bradley
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Thomas P. Fitzpatrick
W. L. Hadden
Harold G. Helm
Lon C. Hill
Chester J. Holsclaw
Varna Holt
George H. Lovelace
Caleb McFadden
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Walter R. Moorman
Goebel W. Newsom, Jr.
Edward D. Pollitte
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
LeRoy Saylor
E. H. Stumbo
James Treadway
Eulick Walsh

W. W. Webster	Mrs. Randolph	Walker H. Wiseman
Hicks Wells	Wilson	Dr. Clyde D. Wooton
Warren D. Williams		—43

The vote being 35 yeas and 43 nays, said bill was rejected.

Resolved that the title thereof be as aforesaid.

Said last named motion was agreed to.

Mrs. Stovall moved that the rules of the House be suspended for the purpose of having committee reports.

Said motion was agreed to.

Mr. Hilton, Chairman of the Committee on Labor, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 113. AN ACT relating to the exemption of personal property and salary, wages and income earned by labor from execution, attachment, garnishment, distress warrant and fee-bill and amending and revising Sections 427.010, 427.020, 427.030 and 427.040 of the Kentucky Revised Statutes.

With Committee Substitute attached thereto as follows, viz:

Com. Sub. for House Bill No. 113. AN ACT relating to exemptions from execution, attachment, garnishment, distress warrant and fee-bill, and amending Sections 427.010, 427.020, 427.030 and 427.040 of the Kentucky Revised Statutes.

Said bill and committee substitute were recommitted to the Committee on Labor on February 17, 1954.

The Committee on Labor offered a second committee substitute to said H. B. No. 113, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, "week," "bi-monthly," "semi-monthly," and "monthly" mean, respectively, the periods for which the person is paid, without regard to the calendar week or month.

Section 2. Section 427.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

The following personal property of a person with a family resident in this state is exempt from execution, attachment, garnishment, distress warrant or fee-bill: One bed and bedding sufficient for each member of the family residing at the family household; carpeting for all family rooms in use; two tables, one chair for each member of the family and three additional chairs; all articles necessary for the care of infants and invalids; one sewing machine and motor for its operation; all washing apparatus; one electrical or mechanical iron or two flat irons; one refrigeration unit, mechanical or otherwise; one cooking stove; cooking utensils, china and table ware customarily used by the family; one radio not exceeding fifty dollars in value; two cabinets; heating and lighting equipment necessary in relation to the premises occupied by the family; all wearing apparel; one wedding ring; one engagement ring; one watch consistent with the claimant's station in life or vocational requirements; books not exceeding one hundred dollars in value and cases or shelving to contain them.

Section 3. Section 427.020 of the Kentucky Revised Statutes is hereby amended to read as follows:

Two work beasts and harness and gear necessary in their use; livestock and poultry not exceeding two hundred and fifty dollars in value; provender for livestock and poultry sufficient for sixty days feeding; one wagon, cart or dray; two plows and gear; and hand tools not exceeding twenty-five dollars in value of a person engaged in agriculture as a primary means of livelihood are exempt from execution, attachment, garnishment, distress warrant or fee-bill.

Section 4. Section 427.030 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The tools of any mechanic, necessary in his trade, not exceeding three hundred dollars in value, are exempt from execution, attachment, garnishment, distress warrant or fee-bill.

(2) One motor vehicle and its necessary accessories, including one spare tire, of a mechanic or other skilled artisan

primarily engaged in the replacement, repair, or emergency, servicing of essential mechanical, electrical or other equipment in general use, is exempt from execution, attachment, garnishment, distress warrant or fee-bill.

Section 5. Section 427.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

The professional library, office equipment, instruments, furnishings and one motor vehicle and its necessary accessories, including one spare tire, of a minister, attorney, physician, surgeon, chiropractor, veterinarian, or dentist, necessary in the practice of such profession and not exceeding one thousand dollars in value, is exempt from execution, attachment, garnishment, distress warrant or fee-bill.

Section 6. The following salary, wages or other income of a person with a family resident in Kentucky shall be exempt from execution, attachment, garnishment, distress warrant or fee-bill:

(1) When such person is paid for his labor by the week and his earnings at the time of the service or levy of process do not exceed twenty-five dollars, exclusive of payroll deductions in the form of taxes, the sum of eighteen dollars;

(2) When such person is paid for his labor by the week and his earnings at the time of the service or levy of process exceeds twenty-five dollars, exclusive of payroll deductions in the form of taxes, the sum of eighteen dollars, plus fifty percent of the earnings in excess of twenty-five dollars;

(3) When such person is paid for his labor in bi-weekly or semi-monthly and his earnings at the time of the service or levy of process do not exceed fifty dollars for such period, exclusive of payroll deductions in the form of taxes, the sum of thirty-six dollars; when his earnings exceed fifty dollars for such period, exclusive of payroll deductions in the form of taxes, the sum of thirty-six dollars plus fifty percent of the earnings in excess of fifty dollars;

(4) When such person is paid for his labor monthly and his earnings at the time of the service or levy of process do not exceed one hundred dollars, exclusive of payroll deductions in

the form of taxes, the sum of seventy-two dollars; when his earnings exceed one hundred dollars, exclusive of payroll deductions in the form of taxes, seventy-two dollars, plus fifty percent of the earnings in excess of one hundred dollars;

(5) When such person does not receive a fixed wage or salary, but is compensated for his labor by a commission or profit allowances, the aforesaid amounts of income shall be exempt in the same manner as if such person received a fixed wage or salary. When such person is paid according to a period other than those specified in this Act, he is entitled to exemption of the same percentage of his earnings as prescribed in this Act in relation to the period of time for which he is paid.

Section 7. The following personal property and salary, wages or other income of a person without a family resident in Kentucky shall be exempt from execution, attachment, garnishment, distress warrant or fee-bill:

All wearing apparel, and one-half of the amount of salary, wages or other income prescribed in Section 6 of this Act.

Section 8. The lien created by the issuance, service or levy of execution, attachment, garnishment, distress warrant or fee-bill shall apply only to that portion of the personal property and salary, wages or other income which is in excess of that declared to be exempt, and the court which issues a distress warrant shall determine the property exempt therefrom.

With an expression that said bill should pass by way of Committee Substitute No. 2.

Whereupon, said Second Committee Substitute for H. B. No. 113 was read at length for the first time and

Ordered placed in the Calendar.

Mr. Mobley moved that the rules of the House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Billington.

H. B. No. 407. AN ACT relating to insurance contracts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No insurance contract insuring against loss or damage through legal liability for the bodily injury or death by accident of any person, or for damage to the property of any person, shall be deemed to insure against any liability of the insured because of death, injury or destruction of the property of the wife or husband of the insured, unless a provision relating specifically thereto is included in the policy.

By Mr. McCallum.

H. B. No. 408. AN ACT relating to the return to this state of fugitives from justice, and amending Section 440.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 440.090 of the Kentucky Revised Statutes is hereby amended to read as follows:

When the Governor of this state makes requisition upon the governor of another state for a fugitive from justice, the person named in the requisition as the agent of this state shall, unless a different condition is contained in his commission, be allowed as compensation from the State Treasury for his services ten cents per mile for the distance he travels within this state and fifteen cents per mile for the distance he travels outside this state, plus seven dollars per day for his expenses and seven dollars per day for the expenses of each fugitive, and any other necessary expenses he pays in reclaiming and returning the fugitive. When public transportation is used in execution of the assignment, the agent of the state shall, upon presentation by him of receipted statements for expenses incurred by him, be paid the amount of such expenses from the State Treasury.

If the agent is not given possession of the fugitive for reasons beyond the agent's control, he shall nevertheless be allowed, the compensation prescribed by this section. Upon the return of the fugitive to the county in which the jail named in the proclamation is located, the person having him in charge shall go before a magistrate, who shall issue a mittimus to the jailer to receive the prisoner and keep him until he is discharged.

By Mr. Mobley.

H. B. No. 409. AN ACT relating to handicapped persons and the establishment of a Department of the Handicapped.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Department" means the Department of the Handicapped;

(2) "Commissioner" means the Commissioner of the Handicapped.

Section 2. (1) There hereby is created a Department of the Handicapped which shall constitute a statutory administrative department of the state government within the meaning of KRS Chapter 12. The department shall be headed by a Commissioner of the Handicapped who shall be the executive officer and shall have sole charge of the administration of the department.

(2) The commissioner may, with the approval of the Governor, appoint an assistant commissioner and directors of the various divisions in the department, and prescribe their duties. The assistant commissioner may be designated as director of a division.

(3) The commissioner may prescribe rules and regulations for the administration of the department and of any institutions under its control.

Section 3. The commissioner shall be appointed by the

Governor. He shall be a qualified physician licensed to practice in this state and shall have five years' experience in the field of public health administration. The assistant commissioner and directors of divisions shall possess such qualifications as the commissioner may prescribe. The compensation of the commissioner shall be fixed by the Governor without regard to any limitation imposed by KRS 64.640.

Section 4. The department shall exercise all functions of the state relating to the diagnosis, treatment, education, institutional care, vocational guidance and placement and research for handicapped persons. The department may accept money from the Federal Government, or any of its agencies, under any grant agreement entered into by this state or by the department. Such money may be expended by the department for any purpose which is consistent with the terms of the grant. The department also may accept grants, gifts, bequests or devises from public or private sources, and use the same for any purpose within the scope of its functions, consistent with the terms of the grant, gift, bequest or devise.

Section 5. The department shall be divided for administrative purposes into such divisions as the commissioner deems necessary to deal with orthopedic, neurological, muscular and plastic handicapping conditions and with epilepsy, rheumatic fever, congenital heart disease and other related handicaps.

Section 6. The State Property and Buildings Commission shall furnish suitable office space and facilities to the department and shall cooperate with the commissioner in the acquisition of property at such places in the state as the commissioner deems necessary to carry out the provisions of this Act.

Section 7. The commissioner may employ and fix the compensation of such personnel as he deems necessary.

Section 8. The department may establish centers throughout the state for the diagnosis and treatment of handicapping diseases. The department may enter into such agreements with existing institutions in urban areas as may be necessary to expand diagnostic and treatment facilities and may allocate available funds to such institutions for that purpose.

Section 9. The department may enter into agreements with educational institutions for the establishment of curricula in the field of vocational rehabilitation of physically handicapped persons. The department may encourage the training of rehabilitation personnel by the establishment, under rules and regulations promulgated by the commissioner, of fellowship to physicians, therapists, undergraduate students and other suitable persons.

Section 10. The department may provide either through allocation of funds to existing public or private institutions or the establishment of state institutions, for residential care of handicapped persons. The commissioner shall promulgate rules and regulations governing eligibility for such care.

Section 11. (1) The person having charge of any handicapped child, or any person interested in such child, may call to the attention of the county judge of the county in which the child resides, its infirmity, and the county judge may commit the child to the care and custody of the department. In no event shall the judge commit any child without the consent of the person having it in charge.

(2) Children committed to the department shall be placed in a hospital for treatment or in an institution for residential care, as the condition of the child requires, under the care of such physicians, surgeons, nurses or therapists as the commissioner deems qualified to render the services needed by the child.

(3) The department may, if a child is placed in a hospital or other institution which is not operated by the department, pay for its care and treatment and may pay for board, clothing and other necessities. No payments for board, clothing or other necessities shall be made by the department where such payments duplicate services rendered by any other state or Federal agency.

(4) The department may pay the necessary traveling expenses of children committed or sent to it for care and treatment, from their homes to the institutions to which they are committed, and may pay such traveling expenses from the institutions to their homes when they are discharged.

Section 12. The parent or other person having charge of a

child committed to the department shall pay so much of the cost of care and treatment of the child as the commissioner determines from an examination of such person's economic circumstances. No such payments shall be required where the standard of living of the parent or other person having charge of the child would be substantially lowered. Any payments due the department may be recovered by it by civil action in the county wherein the parent or other person having charge of the child resides.

Section 13. Section 200.300 of the Kentucky Revised Statutes is amended to read as follows:

"The fiscal court of any county may appropriate funds out of the county levy for the payment in whole or in part for care and treatment of handicapped children committed from the county, and such funds shall be expended for the care and treatment of the children designated in the order of the fiscal court. An itemized statement of the department's expenditure of the funds shall be filed with the county judge covering each child designated in the order of the fiscal court.

Section 14. Section 211.020 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Health shall consist of the Commissioner of Health, the State Board of Health, and the various divisions created or that may be created under KRS 211.100. The State Board of Examiners of Trained Nurses, the Board of Barber and Beautician Examiners, the Board of Chiropractic Examiners, the State Board of Dental Examiners, the State Board of Embalmers and Funeral Directors, and the Kentucky Board of Pharmacy shall be included in the Department of Public Health and constitute divisions thereof, but each of those boards shall continue to exercise all of the powers, rights and functions with relation to its respective business or profession, and their successors in office shall be appointed as provided by law, but shall exercise no other powers or functions with relation to the Department of Health.

Section 15. All properties, funds, records and facilities of every nature of the Kentucky Crippled Children Commission hereby are transferred to the Department of the Handicapped.

Any appropriation, including any revolving, trust or agency fund account, made or provided for by the General Assembly for the fiscal years 1954-1955 and 1955-1956, to the Kentucky Crippled Children Commission shall be deemed to have been appropriated to the Department of the Handicapped.

Section 16. Any gifts, donations, contributions, grants, devices, bequests or conveyances of real or personal property to the Commissioner of Health, under the provisions of KRS 211.160 hereby are transferred to the Department of the Handicapped.

Section 17. Sections 200.250, 200.260, 200.270, 200.280, 200.290, 211.130, 211.140, 211.150 and 211.160 of the Kentucky Revised Statutes are repealed.

By Mrs. Wilson.

H. Res. No. 61. A JOINT RESOLUTION urging the Department of Education of the Commonwealth of Kentucky to place greater stress on both elementary and higher education.

Said resolution is as follows, viz:

WHEREAS, the people of the Commonwealth by an overwhelming majority expressed their desire for a minimum foundation educational program in the Commonwealth; and

WHEREAS, such a program is now being formulated for presentation and adoption; and

WHEREAS, there is a recognized and vital need for athletics in the present educational system of the Commonwealth; and

WHEREAS, in order that such need for athletics be fulfilled without conflict with educational pursuits, athletic contests should be scheduled on weekends whenever possible;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

It is urged by the General Assembly of the Commonwealth of Kentucky that greater and wiser stress be placed on the fundamentals of both elementary and higher education by the Depart-

ment of Education for the edification and common good of all citizens of the Commonwealth.

By Mr. Bridgers.

H. Res. No. 62. A JOINT RESOLUTION authorizing James Daniel Chancey, of Jefferson County, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

AFFIDAVIT OF JAMES DANIEL CHANCEY

I, James Daniel Chancey, of 539 East Woodlawn Street, Louisville, Jefferson County, Kentucky, do hereby state that I am the same James Daniel Chancey, who has requested authority to sue the State of Kentucky through joint resolution for personal injuries suffered while on duty with the Kentucky National Guard before same became Federalized during the Harlan Coal Strike at Harlan, Kentucky in the year 1939.

The affiant was called to active duty with the Kentucky National Guard by Governor A. B. Chandler sometime around the middle of June, 1939 as the said James Daniel Chancey had been on duty some three weeks to a month in Harlan, Kentucky when the alleged accident occurred, so sayeth the affiant.

James Daniel Chancey states that on or about the 15th day of June, 1939, at or about 10:00 A. M. he stepped out of the box car on the railroad siding at Harlan, Kentucky, which were the official sleeping quarters of the Kentucky National Guard while on duty there, and that a light tank was pulled up along the side of the box car to be used as steps for exit and entrance to said sleeping quarters. Affiant states that after taking several steps on the light tank, an oily or greasy substance caused him to fall off the tank and strike a truck parked near the tank with his left ear and left ankle. The said James Daniel Chancey states that all of his injuries hereinafter set out occurred as a direct result of the above described accident and were caused and brought about by reason of the negligence and gross negligence of the servants and employees and the agents of the Commonwealth of Kentucky.

The said James Daniel Chancey states that he has been

constantly under the care of a physician since the accident in order to effect a cure for his said injuries and to this date he has not been able to be restored to health. The injuries from the above mentioned accident have been described by doctors as follows, so sayeth the affiant:

(1) Fracture of left ankle accompanied by hypertrophic arthritis and caleic with spur formations.

(2) Deviated Nasal Septum (left) Chronic Ethmoditis (left) Infected Post-Nasal Lymphoid Tissue, Nerve deafness (Bilateral) Hearing loss: Rt. 45% and left 67%.

The affiant states that he was in perfect health the time of the accident and has been troubled since because of the above mentioned injuries and complications thereto which has caused a constant head noise and ringing of the left ear and pain and suffering from same along with the left ankle and leg. Affiant states that he was unable to work at all for at least four and one-half years and that he was not paid anything by the State for his time off nor the injury.

The affiant alleges that he has lost in wages to date as a result of this accident at least $15,000.00, and he will be required to lose in the future a great amount of money as he is permanently disabled.

The said James Daniel Chancey alleges that this injury was not brought about or caused in any way by or through negligence on his part, but was caused by the negligence of the agents, servants and employees of the Commonwealth of Kentucky.

Affiant states that he does hereby give authority to Representative Edward O. Bridgers to introduce said bill in the House of Representatives.

James Daniel Chancey

Subscribed and sworn to before me by James Daniel Chancey this 15th day of February, 1954.

My commission expires November 21, 1957.

Charles E. Peyton
Notary Public, Jefferson County, Kentucky

A JOINT RESOLUTION authorizing James Daniel Chancey, of Jefferson County, to sue the Commonwealth of Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That James Daniel Chancey be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky in such sum as will fairly and reasonably compensate him for the injuries and damages, if any, sustained by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky, its agents, officers and employes, in the maintenance of the grounds and quarters used by members of the Kentucky National Guard while on active duty in Harlan County, Kentucky, in July, 1939.

Section 2. Said suit shall be for a sum not in excess of twenty-five thousand dollars.

Section 3. That the action herein authorized and permitted may be brought in the Franklin Circuit Court. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Franklin Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence on the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Bridgers.

H. Res. No. 63. A JOINT RESOLUTION authorizing Pearl Troxel of Jefferson County to sue the Commonwealth of Kentucky and the Department of Mental Health or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Pearl Troxel be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Mental Health thereof, either or both of them, in such sum as will fairly and reasonably compensate her for the injuries and damages, if any, sustained by her as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Mental Health thereof, their agents, officers and employes, in carrying out their duties at Central State Hospital in Jefferson County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of twenty-five thousand dollars.

Section 3. That the action hereby authorized may be brought in the name of the committee appointed for Pearl Troxel if her condition necessitates appointment of such committee prior to institution of the action hereby authorized.

Section 4. That the action herein authorized and permitted may be brought in the Jefferson Circuit Court, same being the circuit court having jurisdiction in Jefferson County, Kentucky, the county in which the injuries and damages were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 5. That any party to said action may appeal from any judgment which may be entered by the Jefferson Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same manner as any civil action may be settled or adjusted.

If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 6. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 192. AN ACT relating to signals.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Signals.

(4) All signals required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or a mechanical signal device, except that the operator of a motor vehicle used for the transportation of persons for hire with taxicabs excluded, the operator of a school bus, and the operator of any vehicle so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle must indicate an intention to turn by use of a signal lamp or lamps or mechanical signal device and must indicate an intention to stop or suddenly decrease speed by illuminating at least one red or yellow light with the word "Stop" on it on the rear of the vehicle.

Mr Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward O. Bridgers
Charles W. Buchanan
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
Harold G. Helm
David Heskamp
Lon C. Hill
Chester J. Holsclaw
Varna Holt
William M. Horn
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Eddie J. Morris
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Russell Reynolds
LeRoy Saylor
Mrs. Thelma L. Stovall
James Treadway
Will Tom Wathen
W. W. Webster
Warren D. Williams
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton

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Those who voted in the negative were—

Jennings H. Kearby Foster Ockerman —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Clerk announced that the Committee on Committees had referred the following numbered bills, viz:

House Bill 344—Ky. Statutes No. 1

House Bill 345—Judiciary and Judicial Council

House Bill 346—Ways and Means

House Bill 347—Cities of the First Class

House Bill 348—Ky. Statutes No. 1

House Bill 349—Ky. Statutes No. 1

House Bill 350—Cities of the First Class

House Bill 351—Ways and Means

House Bill 352—Veterans' Legislation and Military Affairs

House Bill 353—Cities of the Second Class

House Bill 354—Ways and Means

House Bill 355—Ky. Statutes No. 1

House Bill 356—Ways and Means

House Bill 357—Revenue and Taxation

House Bill 358—Ways and Means

House Bill 359—Compensation for Industrial Injuries

House Bill 361—Ways and Means

House Bill 362—Elections

House Bill 363—Courts and Legal Procedure

House Bill 364—Ways and Means

House Bill 366—Education

House Bill 367—Regulation of Intoxicating Liquors

House Bill 368—Courts and Legal Procedure

House Bill 369—Ky. Statutes No. 1

House Bill 370—Compensation for Industrial Injuries

House Bill 371—Judiciary and Judicial Council

House Bill 372—Cities of the Second Class

House Bill 373—Ways and Means

House Bill 374—Agriculture

House Bill 375—Courts and Legal Procedure

House Bill 376—Ways and Means

House Bill 377—Ways and Means

House Bill 378—Ky. Statutes No. 1

House Bill 379—Ky. Statutes No. 1

House Bill 380—Ways and Means

House Bill 381—Ky. Statutes No. 1

House Bill 382—Ky. Statutes No. 1

House Bill 383—Ky. Statutes No. 1

House Bill 386—Ky. Statutes No. 1

House Bill 387—Insurance

House Bill 388—Courts and Legal Procedure

House Bill 390—Ways and Means

House Bill 391—Education

House Bill 392—Ky. Statutes No. 1

House Bill 393—Education

House Bill 394—Judiciary and Judicial Council

House Bill 395—Ways and Means

House Resolution 48—Ways and Means

House Resolution 49—Ways and Means

House Resolution 50—Agriculture

House Resolution 51—Revenue and Taxation

House Resolution 52—Ways and Means

House Resolution 53—Agriculture

House Resolution 54—Ky. Statutes No. 2

House Resolution 55—Ways and Means

House Resolution 56—Ky. Statutes No. 1

House Resolution 57—Ways and Means

House Resolution 58—Committee On Claims

Mr. Lowman moved that the House adjourn until 1:00 P. M. Wednesday, February 24, 1954.

Said motion was agreed to.

And the House did then adjourn.

WEDNESDAY, FEBRUARY 24, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Rector of the Church of the Ascension, Frankfort, Kentucky.

The Roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	J. Murray Blue	Paul Cobb
Walter J. Bailey	J. C. Bradley	William J. Conley
John Rhea Banton	Edward T. Breathitt, Jr.	R. Josh Cosby
Clarence J. Barnum	Edward O. Bridgers	Vernor O. Cottengim
Wallace Bartley	John Young Brown	Charles W. Craig
Charles E. Baumgardner, Sr.	Charles W. Buchanan	W. Marvin Davis
Owen Billington	Harry M. Caudill	John L. Day
Leo A. Bleemel	Cassius M. Clay	C. E. Dowell
		James A. Dressman, Jr.

O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the reading of the Journal of the proceedings of Tuesday, February 23, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Fitzpatrick moved that the vote by which H. B. No. 102 was rejected on Tuesday, February 23, 1954, be reconsidered.

Said motion was agreed to by voice vote.

Mr. Fitzpatrick moved that H. B. No. 102 be placed on the Clerk's desk, subject to call at any time.

Said motion was agreed to.

INTRODUCTION OF RESOLUTIONS AND BILLS

Resolutions and bills of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Dressman, Mr. Fitzpatrick, Mr. Cottengim and Mr. Day.

H. Res. No. 64. A RESOLUTION extending congratulations and felicitations to the citizens of the city of Covington upon the one hundred and twentieth anniversary of the granting of a city charter to the city of Covington by the General Assembly of Kentucky and commemorating this event.

Said resolution is as follows, viz:

WHEREAS, one hundred and twenty years ago the members of the General Assembly of Kentucky, in their great wisdom, did see fit to grant a city charter to the small, thriving, young community of Covington; and

WHEREAS, since that date the city has grown and expanded to a population of 64,452 according to the 1950 federal census, the second largest city of the Commonwealth; and

WHEREAS, the city of Covington is famous for its industries such as meat packing, metal work, and manufacturing of x-ray machines; and

WHEREAS, the city of Covington has developed intellectually and culturally commensurate with its increased size and industrial expansion during these one hundred and twenty years; and

WHEREAS, the magnificent St. Mary's Cathedral, modeled after Notre Dame in Paris, France, is located in Covington; and

WHEREAS, Villa Madonna College is in the city of Covington; and

WHEREAS, the citizenship of this great city have contributed throughout the years of its history to the leadership and development of the entire Commonwealth of Kentucky; and

WHEREAS, the contributions of the city officials and citizens of the city of Covington and Northern Kentucky should be

recognized on this anniversary of the original granting of the city charter; and

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

1. That the House of Representatives of the General Assembly of the Commonwealth of Kentucky sends its congratulations and felicitations to the city officials and the citizens of the city of Covington upon the celebration of its one hundred and twentieth anniversary of the granting of the original city charter to that great city.

2. That the Clerk of the House of Representatives be directed to forward a copy of this resolution to the Mayor of the city of Covington as well as to the members of the press serving that area in order that the citizens of that city may know that the House of Representatives has taken official cognizance of this anniversary and extends their best wishes for the continued success and development of the great city of Covington.

By Mr. Buchanan.

H. Res. No. 65. A JOINT RESOLUTION memorializing the United States Congress to amend the Old Age Assistance law so as to take over completely the payment of benefits thereunder, to abolish the matched funds program, to add one cent to the social security tax, and to transmit copies of this resolution to Kentucky's U. S. Senators aand Congressmen.

Said resolution is as follows, viz:

WHEREAS, the Commonwealth works in conjunction with the Federal Government in paying benefits under the Old Age Assistance law; and

WHEREAS, such arrangement has resulted in administrative confusion and economic waste; and

WHEREAS, such confusion and waste could be substantially eliminated if the Federal Government assumed entirely the payment of benefits under the Social Security Law; and

WHEREAS, the matched funds program should be eliminated to enable the Federal Government to assume the payment of benefits under the Social Security Act; and

WHEREAS, to increase the benefits to social security recipients, one cent should be added to the social security tax; and

WHEREAS, it has been estimated that recipients of old age assistance would receive approximately fifty dollars per month if the Federal Government assumed the payment of benefits under the Social Security Act; and

WHEREAS, this would relieve the government of the Commonwealth of a heavy tax burden; and

WHEREAS, there exists a considerable surplus in the Social Security fund;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the United States Congress is hereby memorialized to amend the Old Age Assistance law so as to assume the payment of benefits under the Social Security Act.

Section 2. The Clerk of the House of Representatives is directed to transmit copies of this resolution to Kentucky's U. S. Senators and Congressmen.

By Mr. Cosby.

H. Res. No. 66. A JOINT RESOLUTION memorializing the President of the United States and the U. S. Congress to make changes in Public Law, 550, etc.

Said resolution is as follows, viz:

WHEREAS, because of the provisions relating to farm training in Public Law 550 and regulations of the Veterans Administration, many Korean veterans on the farm are being denied training under Public Law 550; and

WHEREAS, the provisions of Public Law 550 relating to farm training of Korean veterans are encouraging farm labor to leave the farms; and

WHEREAS, benefits to Korean veterans in the farm training program are cut every three months; and

WHEREAS, farm income is supposed to make up this reduction in benefits to Korean veterans in the farm training program, but doesn't; and

WHEREAS, under Public Law 550 a veteran, unless he controls the farm whereon he is training and is worth considerable means, is not permitted to enter training; and

WHEREAS Korean veterans undergoing the farm training program under Public Law 550 must pay twenty-seven dollars a month tuition; and

WHEREAS, the institutional on-farm training program under Public Law 346 has been highly successful in rehabilitating the veterans and making it possible for them to stay on the farm as farm operators and

WHEREAS, the veterans in farm training under Public Law 550 are not afforded the same opportunities as the veterans in farm training under Public Law 346;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The President of the United States and the U. S. Congress are hereby memorialized and respectfully urged to take appropriate steps through legislative enactment to bring about the necessary changes in the law and Veterans Administration regulations to make the institutional on-farm training program under Public Law 550 available for all veterans who are entering the vocation of farming and who wish to take this training and to make the educational and training allowance for the veteran in the institutional on-farm training program the same as for the veteran enrolled in the institutional training.

Section 2. The Clerk of the House and Clerk of the Senate of the Commonwealth are hereby directed to transmit forthwith copies of this resolution to the President of the United States, and the members of the U.S. Congress and Senate from Kentucky.

Section 3. It is directed that a copy of this resolution be spread upon the journal of both the Senate and House of the Commonwealth and copies thereof furnished to the manager of the regional office of the Veterans Administration in Louisville, Kentucky.

By Mrs. Wilson, Mr. Moorman, Mr. Montgomery and Mr. Ratcliffe.

H. Res. No. 67. A JOINT RESOLUTION directing the Agricultural Experiment Station at the University of Kentucky to immediately acquaint the burley tobacco growers of the Commonwealth with the danger threatening from prevailing methods of growing and harvesting burley tobacco in Kentucky.

Said resolution is as follows, viz:

WHEREAS, burley tobacco farmers are constantly striving to increase their per acre production; and

WHEREAS, it is urgent that burley growers produce the kind of tobacco required by cigarette manufacturers; and

WHEREAS, it is conceivable if prevailing practices continue, it will result in decreased demand by cigarette manufacturers for burley tobacco; and

WHEREAS, the growing of burley tobacco is a vital and indispensable part of the economy of the Commonwealth,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Agricultural Experiment Station at the University of Kentucky is hereby directed to immediately acquaint the burley tobacco growers of the Commonwealth with the economic danger threatening from the increase in nicotine content of burley tobacco.

By Mr. Weintraub.

H. B. No. 410. AN ACT relating to Revenue and Taxation; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 1 through 27 of this Act shall be known as the "Kentucky Retailers' and Consumers' Sales and Use Tax Act."

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in Sections 1 through 27, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Revenue.

(2) "Department" means the Department of Revenue.

(3) "Person" includes any individual, firm, co-partnership, cooperative, non-profit membership corporation, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate or other group or combination acting as a unit.

(4) "Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever of tangible personal property for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication work, and the furnishing, repairing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

(5) "Retail sale" or a "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property, or services taxable under this Act, and shall mean and include any such transactions as the Commissioner upon investigation finds to be in lieu of sales; provided that sales for resale must be made in strict compliance with rules and regulations. Any dealer making a sale for resale which is not in strict compliance with rules and regulations shall himself be liable for and pay the tax. For the purpose of the

tax imposed by this Act, these terms shall include but shall not be limited to the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply, however, to rooms, lodgings, or accomodations supplied for a period of 90 continuous days or more.

(6) The term "gross sales" means the sum total of all retail sales of tangible personal property or services as defined herein, without any deduction whatsoever of any kind or character, except as provided in Section 3 of this Act.

(7) "Sales price" means the total amount for which tangible personal property or services are sold, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included, nor shall the sales price include the amount charged for labor or services rendered in installing, applying, or remodeling or repairing property sold, finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price, shall not be considered a part of the selling price of such property and shall not be added to the sale price for the purpose of computing the tax imposed by this Act.

(8) "Cost price" means the actual cost of articles of tangible personal property without any deductions therefrom on account of the cost of materials used, labor, or service costs, transportation charges, or any expenses whatsoever.

(9) "Lease or rental" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property.

(10) "Storage" means and includes any keeping or retention in this State of tangible personal property for use or consumption in this State, or for any purpose other than sale at retail in the regular course of business.

(11) "Use" means and includes the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it shall include the sale at retail of that property in regular course of business.

(12) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit, or advantage, either direct or indirect.

(13) "Retailer" means and includes every person engaged in the business of making sales at retail, or for distribution, or use, or consumption, or storage to be used or consumed in this State.

(14) "Tangible personal property" means and includes personal property, which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. Tangible personal property does not include stocks, bonds, notes, insurance or other obligations or securities.

(15) "Use Tax" referred to in this Act includes the "use, the consumption, the distribution, and the storage" as herein defined.

(16) "Dealer" shall include every person who:

(a) Manufactures or produces tangible personal property for sale at retail, for use, or consumption, or distribution, or for storage to be used or consumed in this state;

(b) Imports or causes to be imported, tangible personal property from any State or foreign country, for sale at retail, for use, or consumption, or distribution, or for storage to be used or consumed in this State;

(c) sells at retail, or who offers for sale at retail, or who has in his possession for sale at retail, or for use, or consumption, or distribution, or storage to be used or consumed in this State, tangible personal property;

(d) has sold at retail, or used, or consumed, or distributed, or stored for use or consumption in this State, tangible property and who cannot prove that the tax levied by this Act has been paid on the sale at retail, the use, the consumption, the distribution, or the storage of said tangible personal property;

(e) leases or rents tangible personal property for a consideration, permitting the use or possession of said property without transferring title thereto;

(f) is the lessee or rentee of tangible personal property, and who pays to the owner of such property a consideration for the use or possession of such property without acquiring title thereto;

(g) maintains or has within this State, directly or by a subsidiary, an office distributing house, sales room, or house, warehouse, or other place of business.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

The term "sale at retail", use, "storage" and "consumption" shall not include:

(1) The sale of admissions to "places of amusement or entertainment" as defined in KRS 138.010 (2);

(2) The sale of cigarettes as that term is used in KRS 138.140;

(3) The sale of gasoline as defined in KRS 138.210 (4);

(4) The sale of special fuel as defined in KRS 138.560 (3);

(5) The sale of motor vehicles subject to tax under KRS 138.460;

(6) The sale of alcoholic beverages subject to tax under KRS 243.720;

(7) The sale of newspapers;

(8) The sale of staple articles of food intended for off-the-premises consumption;

(9) The sale of artificial, natural or mixed gas, electricity, transportation, water and telephone and telegraph services;

(10) The sale, use, storage or consumption of industrial materials for future processing, manufacture or conversion into articles of tangible personal property for resale where such industrial materials become a component part of the finished product nor shall such terms include industrial material, other than machinery and machinery repair parts, that are used directly in the fabricating, converting or processing of articles of tangible personal property or parts thereof for resale, nor shall such terms include materials, containers, labels, sacks or bags used for packaging tangible personal property for shipment or sale;

(11) Professional, insurance, or personal service transactions which involve sales as inconsequential elements for which no separate charges are made nor services rendered by repair men for which a separate charge is made;

(12) Fertilizer which is applied to land for the growing of crops, seed or insecticides used for agricultural purposes, or feed for livestock and poultry;

(13) Sales which a State would be without power to tax under the limitations of the Constitution of the State or the United States, together with sales to the State of Kentucky or subdivisions thereof.

(14) Sales of goods made pursuant to bona fide written contracts entered into before the date of the approval of this Act, or the purchase price of any building supplies, fixtures or equipment that enter into or become a part of building or other kind of structure in this state, where plans, specifications and construction contract for a specific project has been entered into prior to the date of approval of this Act, provided delivery is made within ninety (90) days.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under

this Act, or who stores for use or consumption in this State any item or article of tangible personal property as defined herein or who leases or rents such property within this state, the same to be collected in the amount to be determined by the application of the following rates against gross sales:

(1) At the rate of one percent of the sales price of each item or article of tangible personal property when sold at retail in this State the tax to be computed on gross sales for the purpose of remitting the amount of tax due the State, and to include each and every retail sale or amount of taxes collected whichever be the greater.

(2) At the rate of one percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this State; provided there shall be no duplication of the tax.

(3) At the rate of one percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein, except the rental of motion picture films, where the lease or rental of such property is an established business, or part of an established business, or the same is incidental or germane to said business.

(4) At the rate of one percent of the monthly lease or rental price paid by lessee or rentee, or contracted or agreed to be paid by lessee or rentee, to the owner of the tangible personal property.

(5) At the rate of one percent of the gross sales of all services taxable under this Act.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The tax levied under Section 4 shall be collectible as of the moment of purchase of sale, as the case maybe, from all dealers.

(2) The tax shall be collected from the dealer and paid at the time and in the manner as hereinafter provided. Provided, however, that any person engaging or continuing in business as

a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when proper books are kept showing separately the gross proceeds of sales for each business. If such records are not kept separately, the tax shall be paid as a retailer or dealer on the gross sales of the business.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) On all tangible personal property imported, or caused to be imported from other states or foreign country, and used by him, the "dealer" shall pay the tax imposed by this Act on all articles of tangible personal property so imported and used, the same as if the said articles had been sold at retail for use or consumption in this State. For the purposes of this Act, the use, or consumption, or distribution, or storage to be used or consumed in this State of tangible personal property shall each be equivalent to a sale at retail, and the tax shall thereupon be immediately levied and collected in the manner provided herein, provided there shall be no duplication of the tax in any event.

(2) It is not the intention of this Act to levy a tax upon articles of tangible personal property imported into this State or produced or manufactured in this State for export, the repairing or storage of such property in the State for use in another state, nor is it the intention of this Act to levy a tax on bona fide interstate commerce.

(3) It is, however, the intention of this Act to levy a tax on the sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this State of tangible personal property after it has come to rest in this State and has become a part of the mass of property in this State.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) All gross sales of a retailer are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he takes from the

purchaser a certificate to the effect that the property is purchased for resale.

(2) The certificate relieves the seller from the burden of proof only if taken in good faith from a person who is engaged in the business of selling tangible personal property and who holds the permit provided for in this Act and who, at the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

(3) The certificate shall be signed by and bear the name and address of the purchaser, shall indicate the number of the permit issued to the purchaser, and shall indicate the general character of the tangible personal property sold by the purchaser in the regular course of business. The certificate shall be substantially in such form as the department may prescribe.

(4) If a purchaser who gives a certificate makes any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the use shall be deemed a retail sale by the purchaser as of the time the property is first used by him, and the cost of the property to him shall be deemed the gross receipts from such retail sale. If the sole use of the property other than retention, demonstration, or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his gross receipts the amount of the rental charged rather than the cost of the property to him.

(5) If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such similarity that the identity of the constitutent goods in the commingled mass can not be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The provision of this Act shall not apply in respect to the use or consumption, or distribution, or storage of tangible personal property for use or consumption in this State upon which a like tax equal to or greater than the amount imposed by this Act has been paid in another State, the proof of payment of such tax to be according to rules and regulations made by the department. If the amount of tax paid in another State is not equal to or greater than the amount of tax imposed by this Act, then the dealer shall pay to the department an amount sufficient to make the tax paid in the other State and in this State equal to the amount imposed by this Act.

(2) The "use tax" shall not apply to tangible personal property owned or acquired in this state, or imported into this State, or held or stored in this State prior to the effective date of this Act. But, the "use tax" will apply to all tangible personal property imported or caused to be imported into this State on or after the effective date of this Act, unless said property has previously borne a sales or use tax in another State equal to or greater than the tax imposed by this Act.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The privilege tax herein levied, measured by retail sales shall be collected by the dealer from the purchaser or consumer. Nothwithstanding any other provision, it is the purpose and intent of this Act that the tax imposed hereunder is, in fact, a levy on the purchaser or consumer of the tangible personal property or services described in this Act, and the levy on dealers as specified is merely as agent of the State for collection of said tax. Therefore, notwithstanding any exemptions from taxes which any dealer may now or hereafter enjoy under the constitution or laws of this or any other State, or of the United States, such dealer shall collect the tax imposed hereunder from the purchaser or consumer and shall pay the same over to the department as herein provided.

(2) Dealers shall, as far as practicable, add the amounts of the tax imposed under this Act to the sales price or charge, which shall be a debt from the purchaser or consumer to the dealer, until paid, and shall be recoverable at law in the same

manner as other debts. Any dealer who shall neglect, fail, or refuse to collect the tax herein provided, upon any, every, and all retail sales made by him, or his agents, or employees, of tangible personal property which is subject to the tax imposed by this Act, shall be liable for and pay the tax himself.

(3) When the tax collected for any period is in excess of one percent the total tax collected must be paid over to the department less the compensation to be allowed the dealer as hereinafter set forth. This provision shall be construed with other provisions of this Act and give effect so as to result in the payment to the department of the total tax collected if in excess of one percent.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The "use tax" as defined herein shall not apply to livestock and livestock products, to poultry and poultry products, to farm, and agricultural products, when produced by the farmer and used by him and the members of his family.

(2) Provided, however, that each and every agricultural commodity sold by any person, other than a producer, to any other person, who purchases not for direct consumption but for the purpose of acquiring raw products for use or for sale in the process of preparing, finishing, or manufacturing such agricultural commodity for the ultimate retail consumer trade shall be and is exempted from the provisions of this Act, including payment of the tax applicable to the sale, storage, use, transfer, or any other utilization or handling thereof, except when such agricultural commodity is actually sold as a marketable or finished product to the ultimate consumer, and in no case shall more than one tax be exacted.

(3) The term "agricultural commodity", for the purposes hereof, shall mean horticultural, poultry, and farm products, and livestock and livestock products.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

Where used articles are taken in trade, or a series of trades as a credit or part payment on the sale of new and used articles.

the tax levied by this Act shall be paid on the net difference of the new or used articles less the credit for the used article.

Section 12. A new section of the Kentucky Revised Statutes to read as follows:

Any person taxable under this Act having both cash and credit sales may report such sales on either the cash or accrual basis of accounting, and each such person taxable hereunder shall make such election on the first return filed hereunder. Such election once made shall be irrevocable except that the department may grant written permission to any such taxpayer upon written application therefor to change from one basis to the other under rules and regulations to be promulgated from time to time by the department. Any person reporting as herein provided on a cash basis of accounting shall in each report include all cash sales made during the period covered by any such report and also collections made in any such period on credit sales of prior periods, but not including credit sales made prior to the effective date of this Act, and pay the tax thereon at the time of filing any such report. Any person reporting as herein provided on the accrual basis of accounting shall be allowed a deduction for bad debts under rules and regulations of the department on the same basis that bad debts are allowed as a deduction on State income tax returns.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) If any dealer liable for any tax, interest or penalty levied hereunder shall sell out his business or stock of goods, or shall quit the business, he shall make a final return and payment within fifteen days after the date of selling or quitting the business. His successor, successors, or assigns, if any, shall withhold sufficient of the purchase money to cover the amount of such taxes, interest, and penalties due and unpaid until such former owner shall produce a receipt from the department showing that they have been paid, or a certificate stating that no taxes, interest, or penalties are due. If the purchaser of a business or stock of goods shall fail to withhold the purchase money as above provided, he shall be personally liable for the payment of the taxes, interest, and penalties accruing and unpaid

on account of the operation of the business by any former owner, owners, or assigns.

(2) In the event any dealer is delinquent in the payment of the tax herein provided for the department may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such dealer, or owing any debts to such dealer at the time of receipt by them of such notice, and thereafter any person so notified shall neither transfer or make any other disposition of such credits, other personal property, or debts, until the department shall have consented to a transfer or disposition, or until thirty (30) days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five (5) days after receipt of such notice, advise the department of any and all such credits, other personal property, or debts, in their possession, under their control, or owing by them, as the case may be.

Section 14. A new section of the Kentucky Revised Statutes is created to read as follows:

It is hereby declared to be the intention of this Act to impose a tax on the gross proceeds of all leases and rentals of tangible personal property in this State where the lease or rental is a part of the regularly established business, or the same is incidental or germane thereto.

Section 15. A new section of the Kentucky Revised Statutes is created to read as follows:

As compensation for accounting and remitting the tax levied by this Act, each dealer shall be allowed one percent of the amount of tax due and accounted for and remitted to the department in the form of a deduction in submitting his report and paying the amount due by him; provided the amount due was not delinquent at the time of payment.

Section 16. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Every dealer shall on or before the last day of the month following the end of the preceding quarter, report on forms to be prescribed by the department his gross sales or pur-

chases, as the case may be arising from taxable sales or purchases made during such preceding quarter.

(2) Gross proceeds from rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect thereto in accordance with such rules and regulations as the department may prescribe.

(3) The department for good cause may extend for not to exceed thirty (30) days the time for making any returns required under the provisions of this Act.

Section 17. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) In the event any dealer fails to make a report and pay the tax as provided by this Act, or in case any dealer makes a grossly incorrect report, or a report that is false or fraudulent it shall be the duty of the department to make an estimate for the taxable period of retail sales of such dealer, or of the gross proceeds from rentals or leases of tangible personal property by the dealer, and an estimate of the cost price of all articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in this State and assess and collect the tax and interest, plus penalty, if such have accrued, on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary shall rest upon the dealer.

(2) It shall be the duty of every dealer required to make a report and pay any tax under this Act, to keep and preserve suitable records of the sales or purchases, as the case may be, taxable under this Act, and such other books of account as may be necessary to determine the amount of tax due hereunder, and other information as may be required by the department and it shall be the duty of every such dealer, moreover, to keep and preserve, for a period of two years, all invoices and other records of goods, wares and merchandise, or other subjects of taxation under this Act and all such books, invoices, and other records shall be open to examination at all reasonable hours to the department or any of its duly authorized agents.

(3) In the event the dealer has imported the tangible per-

sonal property and he fails to produce an invoice showing the cost price of the articles as defined in this Act, which are subject to tax, or the invoice does not reflect the true or actual cost price, as defined herein, then the department shall ascertain, in any manner feasible, the true cost price, and assess and collect the tax with interest plus penalties, if such have accrued on the true cost price as assessed by him. The assessment so made shall be considered prima facie correct, and the duty shall be on the dealer to show the contrary.

Section 18. A new section of the Kentucky Revised Statutes is created to read as follows:

All wholesale dealers and jobbers in this State are hereby required to keep a record of all sales of tangible personal property made in this State, whether such sales be for cash or on terms of credit. The record required to be kept by all wholesale dealers and jobbers shall contain and include the name and address of the purchaser, the date of the purchase, the article purchased, and the price at which the article is sold to the purchaser. These records shall be kept for a period of three years and shall be open to inspection by the department at all reasonable hours during the day.

Section 19. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The department is authorized and empowered to examine at all reasonable hours during the day the books, records, and other documents of all transportation companies, agencies, firms, or persons as defined herein that conduct their business by truck, rail, water, airplane, or otherwise, in order to determine what dealers, as provided in this Act, are importing or are otherwise shipping articles or tangible property which are liable for the tax.

(2) Each dealer shall secure, maintain, and deep for a period of three years a complete record of tangible personal property received, used, sold at retail, distributed or stored, leased, or rented within this State, by said dealer together with invoices, bill of lading, and other pertinent records and papers as may be required by the department and all such records shall

be open for inspection to the department at all reasonable hours during the day.

Section 20. A new section of the Kentucky Revised Statutes is created to read as follows:

The full amount of tax shown to be due on each quarterly return shall be paid to the department at the time fixed for filing quarterly returns.

Section 21. A new section of the Kentucky Revised Statutes is created to read as follows:

In order to prevent the illegal importation of tangible personal property which is subject to tax in this state, and to strengthen and make more effective the manner and method of enforcing payment of the tax imposed by this Act, the department is hereby authorized and empowered to put into operation a system of permits whereby any person or dealer as defined in this Act may import tangible personal property by truck, automobile, or other means of transportation other than a common carrier, without having said truck, automobile, or other means of transportation seized and subject to legal proceeding for its forfeiture. The application for such permits shall contain information as the department may require, and such permits may be issued for such periods and upon such conditions as the department may desire. Such permit shall be free of cost to the applicant and may be obtained from the department.

Section 22. A new section of the Kentucky Revised Statutes is created to read as follows:

In the event purchases are returned to the dealer by the purchaser or consumer after the tax imposed by this Act has been collected, or charged to the account of the consumer or user, the dealer shall be entitled to reimbursement of the amount of tax so collected or charged by him, in the manner prescribed by the department and in case the tax has not been remitted by the dealer to the department, the dealer may deduct the same in submitting his return upon receipt of a signed statement of the dealer as to the gross amount of such refunds during the period covered by said signed statement, which period shall not be longer than ninety days. Provided, however, the amount of the

tax so reimbursed to the dealer shall not include the tax paid upon any cash retained by the dealer after such return of merchandise.

Section 23. (1) Every person desiring to engage in or conduct business as a seller in this State shall file with the department an application for a "certificate of registration" for each place of business. Every application for a certificate of registration shall be made upon a form prescribed by the department and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the department may require.

(2) The department shall grant and issue to each applicant a separate certificate of registration for each place of business within the State. A certificate of registration is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall be at all times conspicuously displayed at the place for which issued.

(3) A seller whose certificate of registration has been previously suspended or revoked, shall pay the department a fee of one ($1.00) dollar for the renewal or issuance of a certificate of registration.

(4) Whenever any person fails to comply with any provision of this Act or any rule or regulation of the department relating thereto, the department upon hearing after giving the person ten days notice in writing, specifying the time and place of hearing and requiring him to show cause why his certificate of registration should not be revoked, may revoke or suspend any one or more of the certificates of registration held by the person. The notice may be served personally or by registered mail directed to the last known address of the person.

Section 24. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The department shall have the power to make and publish reasonable rules and regulations for the enforcement of

the provisions of this Act and the collection of revenues hereunder.

(2) The cost of preparing and distributing the reports, forms and material needed for the collection of said tax and the inspection and enforcement duties required herein shall be borne from the general appropriations to the department.

(3) The department shall administer and enforce the assessment and collection of the taxes and penalties imposed by this Act and shall prepare suitable brackets of prices for the collection of the tax imposed, provided the bracketing shall begin at 25 cents.

(4) Federal excise taxes shall be excluded by the Commissioner in collecting the tax imposed on the sale price of any item or commodity or value admission or services. The use of tokens is forbidden and prohibited.

(5) The Commissioner is hereby granted the power and authority to employ all necessary personnel and to purchase such supplies and equipment as may be necessary and incur any other necessary expenses as are proper for the enforcement and administration of this Act.

Section 25. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) When any dealer shall fail to make any return and pay the full amount of the tax required by this Act there shall be imposed, in addition to other penalties provided herein, a specific penalty to be added to the tax in the amount of five percent, if the failure is for not more than thirty days with an additional five percent for each additional thirty days, or fraction thereof, during which the failure continues, not to exceed twenty-five percent in the aggregate. In the case of a false or fraudulent return, where wilful intent exists to defraud the State of any tax due under this Act, a specific penalty of fifty percent of the tax bill shall be assessed.

(2) When any dealer fails to remit the tax, or any portion thereof, on or before the day when such tax shall be required by law to be paid, there shall be added to the amount due interest at the rate of six percent per annum from the date due until paid.

(3) All penalties and interest imposed by this Act shall be payable and collectible by the department in the same manner as if they were a part of the tax imposed.

(4) Any dealer who shall fail, neglect, or refuse to collect the tax herein provided, either by himself or through his agents or employees, shall, in addition to the penalty of being liable for and paying the tax himself, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred ($100.00) dollars or imprisonment in the county jail for not more than three months, or both.

(5) A person engaged in any business taxable under this Act shall not advertise or hold out to the public, in any manner, directly or indirectly that he will absorb all or any part of the tax, or that he will relieve the purchaser of the payment of all or any part of the tax. A person who violates this provision with respect to advertising shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred fifty dollars, or imprisonment in the county jail for not exceeding three months, or both.

(6) Any person who violates any provision of this Act for which violation no specific penalty is provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fixed not more than one hundred dollars or imprisoned in the county jail for not more than three months, or both

Section 26. There is hereby appropriated to the Department of Revenue out of the General Expenditure Fund for the fiscal year beginning July 1, 1954 and ending June 30, 1955 the sum of six hundred thousand dollars and for the fiscal year beginning July 1, 1955 and ending June 30, 1956 the sum of five hundred thousand dollars; such sums to be used for ordinary recurring expenses of administering this Act for end of said respective years.

Section 27. The provisions of Sections 1 through 26 of this shall become effective and fully operative on July 1, 1954.

Section 27. Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) An annual tax shall be paid for each taxable year by

every resident individual of this state, upon his entire net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars;

(2) An annual tax shall be paid for each taxable year at the rates specified in subsection (1) of this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed nontaxable by this state.

(3) Subject to the provisions of KRS 141.081 and KRS 141.082, any individual may elect to pay the tax imposed by KRS 141.025 in lieu of the tax levied under this section.

(4) In the case of a nonresident employee who derives income taxable under this chapter from sources in this state, the Commissioner of Revenue shall require not to exceed five percent of his wages to be withheld by the employer or other person making payments to the nonresident in order to satisfy the state's income tax claim. On failure to withhold the tax or to remit it to the department within thirty days, the employer or other person

hereby charged with the duty of withholding the tax shall be personally liable for the tax and the penalty and interest thereon. After the nonresident has submitted his annual return and it has been audited, the department shall refund any overpayment with interest at six percent per annum from the date received until certified for refund.

Section 28. Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due, as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025, shall be credited with the following amounts:

(a) Forty dollars in the case of an unmarried individual.

(b) Eighty dollars in the case of a married individual or in the case of a head of a household. If such husband and wife make separate returns, the tax credited allowed by this subparagraph may be taken by either or divided between them. The determination of the marital status for purposes of the credits allowed under this section shall be made in the manner prescribed in Section 25 (b) (2) of the Internal Revenue Code.

(c) Twenty dollars for each dependent other than the first dependent of a head of a household.

(d) An additional twenty dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year.

(e) An additional twenty dollars credit if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year and a joint return is filed.

(f) An additional twenty dollars credit if the taxpayer is blind at the close of the taxable year.

(g) An additional twenty dollars credit if the taxpayer's spouse is blind at the close of the taxable year and a joint return is filed.

(2) In the case of nonresidents, the tax credits allowable under subsection (1) of this section shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all

sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income.

(3) In the case of a fiduciary, other than an estate, the taxes due as computed under KRS 141.020 and KRS 141.030, shall be credited with four dollars.

(4) In the case of an estate, the taxes due as computed under KRS 141.020 and KRS 141.030, shall be credited with twenty-four dollars.

Section 29. Section 141.180 of the Kentucky Revised Statutes is amended to as follows:

(1) Every individual having for the taxable year a net income of two thousand dollars or over or a gross income of twenty-five hundred dollars or over, if single, or if married and not living with husband or wife and every married individual living with husband or wife whose net income combined with the net income of his or her spouse exceeds thirty-six hundred dollars, or whose gross income combined with the gross income of his or her spouse exceeds forty-five hundred dollars, shall make to the Department of Revenue a return stating specifically the items which he claims as deductions and tax credits allowed by this chapter. If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

(2) A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns.

(3) An optional return properly filed under the provisions of KRS 141.025 shall be deemed sufficient to satisfy the provisions of this section.

(4) Each individual return shall be verified by a written declaration that it is made under the penalties of perjury.

Section 30. Section 141.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The full amount of the tax payable by any taxpayer, as appears from the face of the return, shall be paid to the depart-

ment of Revenue at the time fixed for filing returns, except as provided in subsection (2).

(2) Any taxpayer, other than a corporation, filing a return showing an amount due of thirty dollars or more, may defer payment of one-third of the amount shown by the return to be due until the fifteenth day of the seventh month following the end of the taxable year and an additional one-third until the fifteenth day of the eleventh month following the end of the taxable year. Such deferred payment shall not be subject to any interest charge, if the payments are received within the times specified. If any installment is not paid when due the full amount of the taxpayer's liability becomes due and payable on the date the installment becomes delinquent.

Section 31 Section 141.235 of the Kentucky Revised Statutes is amended to read as follows:

(1) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this chapter.

(2) Any tax collected after January 1, 1954, pursuant to the provisions of KRS Chapter 141, may be refunded in the manner provided in KRS 134.580, provided that claim of refund is made within three years from the date the money is paid into the State Treasury.

(3) Exclusive authority to refund overpayments of taxes collected pursuant to this chapter is vested in the commissioner or his authorized agent. Amounts directed to be refunded shall be paid out of the General Fund.

Section 32. Section 141.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any taxpayer fails or refuses to file a return or furnish any information requested in writing by the department, the department may make an estimate of the net income or adjusted net income from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of twenty-five percent of the amount of any deficiency tax assessed concerning such failure or refusal to file a return or furnish any information. This penalty shall be in addition to all other applicable penalties in this section.

(2) If any taxpayer fails to make and file a return required by this chapter on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five percent of the tax found to be due by the department shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

(3) If any part of any deficiency is due to negligency, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(4) If any part of any deficiency is due to fraud with intent to evade tax, fifty percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(5) If the tax imposed by this chapter, whether assessed by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax interest upon the unpaid amount at the rate of six percent per annum from the due date of the return until payment is actually made to the department. If any assessment made by the department is not paid within the time prescribed, or protested in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of the tax and other applicable penalties, one percent of the tax for each month the tax remains unpaid.

(6) Any person required under the provisions of KRS 141.150 to furnish a statement required under that section who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time and showing the information required under KRS 141.150, shall for each such failure be subject to a civil penalty of ten dollars. Such penalty shall be assessed and collected by the department, and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(7) Any employer required under the provisions of KRS 141.020 to withhold taxes on wages and make returns and payment of amounts withheld to the department, who fails to withhold such taxes, or to make such returns, or who fails to remit amounts collected to the department, shall be subject to a civil penalty equal to twenty-five percent of the amount of taxes that should have been property withheld and paid over to the department for each failure. Such penalty shall be assessed and collected by the department and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

Section 33. Subsections (20) and (22) of Section 141.010 of the Kentucky Revised Statutes and KRS 141.300, 141.305, 141.310, 141.315, 141.320, 141.325, 141.330, 141.335, 141.340, 141.345, 141.350, 141.355 and 141.360 are repealed.

Section 34. Sections 28 through 33 shall be applicable to all taxable years beginning on or after January 1, 1954.

By Mr. Day.

H. B. No. 411. AN ACT relating to annexation or reduction of territory by sixth-class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.240 of the Kentucky Revised Statutes is amended to read as follows:

Any city of the sixth class may annex any territory to the city or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exceptions:

(1) The ordinance proposing annexation or reduction of territory shall be published in at least ten issues of the daily newspaper published in and having the largest circulation in

the city or in at least four issues of a weekly paper published in and having the largest circulation in the city, or copies of the ordinance shall be posted for at least ten days in four of the most public places in the city.

(2) The proceedings in the circuit court shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

By Mr. Murphy, Mrs. Stovall and Mr. Day.

H. B. No. 412. AN ACT relating to Unemployment Insurance and amending Section 341.380 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 341.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) All benefits shall be paid through employment offices, or such other agencies designated by regulations of the Commission. Claims for all payments of benefits shall be made in accordance with regulations of the Commission.

(2) Benefits payable to an eligible worker, whose benefit year begins on or after April 1, 1954, for weeks of unemployment shall, except as provided in KRS 341.390, be at the benefit rate in Column "C" of Table "A" which appears on the same line with the "Base-Period Wages" of the worker as shown in Column "B" of the same table.

(3) The maximum amount of benefits payable to any worker within any benefit year shall be the amount in Column "D" of Table "A" which appears on the same line with "Base-Period Wages" of such worker as shown in Column "B" of the same table.

TABLE A

Wage Class (A)	Base-Period Wages (B)		Benefit Rate (C)	Maximum Amount (D)
0	Less than	$300.00	$0.00	$0.00
1	$300.00—	324.99	10.00	260.00
2	325.00—	349.99	11.00	286.00
3	350.00—	399.99	12.00	312.00
4	400.00—	499.99	13.00	338.00
5	450.00—	499.99	14.00	364.00
6	500.00—	549.99	15.00	390.00
7	550.00—	624.99	16.00	416.00
8	625.00—	699.99	17.00	442.00
9	700.00—	774.99	18.00	468.00
10	775.00—	849.99	19.00	494.00
11	850.00—	949.99	20.00	520.00
12	950.00—	1,049.99	21.00	546.00
13	1,050.00—	1,149.99	22.00	572.00
14	1,150.00—	1,299.99	23.00	598.00
15	1,300.00—	1,449.99	24.00	624.00
16	1,450.00—	1,599.99	25.00	650.00
17	1,600.00—	1,749.99	26.00	676.00
18	1,750.00—	1,899.99	27.00	702.00
19	1,900.00—	2,099.99	28.00	728.00
20	2,100.00—	2,299.99	29.00	754.00
21	2,300.00—	2,499.99	30.00	780.00
22	2,500.00—	2,699.99	31.00	806.00
23	2,700.00—	2,899.99	32.00	832.00
24	2,900.00—	3,099.99	33.00	858.00
25	3,100.00—	3,299.99	34.00	884.00
26	3,300.00—	or over	35.00	910.00

By Mr. Marcum.

H. B. No. 413. AN ACT relating to interference with the use of public highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who deposits or leaves any objects upon a

public highway with intent to in any way interfere with the safe and convenient use of the highway shall be confined in the penitentiary for not less than one or more than five years. This section shall not apply to any kind of roadblock established under state or county authority.

By Mr. Marcum.

H. B. No. 414. AN ACT relating to solicitation of money.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who solicits funds through radio or television broadcasts shall within a reasonable time after such broadcast publish an itemized account of all receipts and expenditures of monies so solicited in the newspaper having the largest circulation in the county in which the broadcast originated.

By Mr. Kearby, Mr. Martin, Mr. Lambert and Mr. Morris.

H. B. No. 415. AN ACT relating to registration fees for motor vehicles, and amending Sections 186.010 and 186.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" means the Department of Revenue.

(2) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for the purpose of vehicular traffic.

(3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will, under normal conditions during the year, manufacture or assemble at least ten new motor vehicles.

(4) "Motor vehicle," as used in KRS 186.020 to 186.260, includes all vehicles, as defined in paragraph (a) of subsection (7) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (7) of this section, which are self-propelled.

(5) "Operator" means any person in actual control of a motor vehicle upon a highway.

(6) "Owner" means a person who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease, with the right of purchase upon performance of the conditions of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the owner.

(7) (a) "Vehicle", as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five miles beyond the city limit of any municipality.

(b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human and animal power or used exclusively upon stationary rails or tracks, or derives its power from overhead wires.

(8) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operators' licenses.

(9) "Dealer" means any person engaged in the business of buying or selling motor vehicles.

Section 2. Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee, except as provided in subsections (4) through (8), shall be as follows:

Gross Weight	Registration Fee
0- 5000	$10.00
5001- 8000	22.00
8001-10000	25.00
10001-12000	29.00
12001-14000	32.00
14001-16000	36.00
16001-18000	40.00
18001-21000	45.00
21001-24000	50.00
24001-27000	59.00
27001-30000	71.00
30001-33000	85.00
33001-36000	101.00
36001-39000	123.00
39001-42000	150.00

The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.

(4) Any farmer owning a truck having a gross weight of 22,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50 by filing with the county clerk,

in addition to other information required, an affidavit, stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.50 by filing

with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(8) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(9) The annual registration fee for each house trailer shall be $9.50.

(10) "House trailer" means any vehicle used, or maintained for use, as a conveyance upon highways or city streets, so designed and so constructed in such a manner as will permit occupancy thereof as temporary dwelling or sleeping places for one or more persons, or the conduct of any business or profession, occupation or trade, having no other foundation than wheels or jacks, and not being used in one location as a permanent dwelling.

By Mr. Fitzpatrick and Mr. Cottengim.

H. B. No. 416. AN ACT to provide for the raising of public revenue by imposing a tax upon the receipt of gross income, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(a) When used in this act, the term "person" or the term "company", herein used interchangeably, means and includes any individual, assignee, receiver, commissioner, fiduciary, trustee, executor, administrator, institution, bank, consignee, firm, part-

nership, joint venture, pool, syndicate, bureau, association, co-operative association, society, club fraternity, sorority, lodge, corporation, municipal corporation or any other political subdivision of the state engaged in private or proprietary activities or business, estate, trust, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(b) The administration and enforcement of this act is hereby assigned to the Department of Revenue which is hereinafter sometimes referred to as the "Department". Such Department of Revenue is hereby designated as an agency and instrumentality of this state and shall be and be taken as being a legal entity acting solely in the execution of the sovereign power of the state by and through the Commissioner and the deputies, agents and employees provided by law and authorized by him to administer this act in his stead and under his direction, control and authority.

(c) The word "treasurer" means the treasurer of the State of Kentucky.

(d) The word "commissioner" means the chief administrative officer of the department.

(e) The term "tax year" or "taxable year" means either the calendar year, or the taxpayer's fiscal year if and when permission is obtained from the department to use the taxpayer's fiscal year as the tax period in lieu of the calendar year.

(f) The term "tax period" means the calendar year, the taxpayer's fiscal year, any of the quarterly periods of either the calendar or fiscal year, or any other period which the department is given the power to declare under this act.

(g) The word "taxpayer" means any person liable for any tax hereunder.

(h) Except as hereinafter otherwise expressly provided, the term "receipts", as applied to a taxpayer, shall mean the gross income in cash, notes, credits and/or other property which is received by the taxpayer or is received by a third person for his benefit.

(i) Except as hereinafter expressly provided, the terms "receive" or "received", or other forms thereof, as applied to a taxpayer, shall mean the actual coming into possession of, or the crediting to, the taxpayer of gross income as hereinafter defined, or the payment of his expenses, debts, or other obligations by a third party for his direct benefit.

(j) The term "retail merchant" means and includes only a person regularly and occupationally engaged in purchasing tangible personal property and selling the same at retail at a fixed and established place of business.

(k) The term "selling at retail" means and includes only a transaction by a "retail merchant" by which the ownership of tangible personal property is transferred, conditionally or otherwise, for a consideration, when such transfer is made in the ordinary course of the transferor's regularly conducted business and at a fixed and established place of business, and is acquired by the transferee for any other purpose than those designated by subsection (a) of Section 3 of this act.

(l) The term "withholding agent" means any person and includes all individuals, corporations, associations, firms, companies, and partnerships in whatever capacity acting, including lessees or mortgagors of real or personal property, agents, fiduciaries, employers, the State of Kentucky, and all officers and employees of the state or of any municipal corporation or political subdivision of the state having control, receipt, custody, disposal or payment of interest, dividends, rentals, salaries, wages, premiums, annuities, compensations, principals, remunerations, emoluments, and all fixed or determinable gross income taxable under this act, including payments for the performance of contracts within the State of Kentucky.

(m) The term "gross income", except as hereinafter otherwise expressly provided, means the gross receipts of the taxpayer received as compensation for personal services, including but not in limitation thereof, wages, bonuses, pensions, salaries, fees, commissions, gratuities, (including the value of living expenses and/or rental of quarters furnished to the taxpayer) and the gross receipts of the taxpayer received from trades, businesses, or commerce, including admission fees or charges, and the gross

receipts received from the sale, transfer, or exchange, of property, tangible or intangible, real or personal, including the sale of capital assets, or from the assignment or sale of rights, all receipts received from the performance of contracts, all receipts received as prizes and premiums, all receipts received from insurance, all amounts received as alimony, damages, or judgments, and all receipts received by reason of the investment of capital, including but not in limitation thereof, interest, discounts, rentals, royalties, dividends, fees, commissions, and receipts received from the surrender, sale, transfer, exchange, redemption of, or distribution upon, stock of corporations or associations, and all other receipts of any kind or character received from any source whatsoever, and without any deductions on account of the return of capital invested, the cost of the property sold, the cost of materials used, labor cost, interest, discount, or commissions paid or credited, or any other expense whatsoever paid or credited, and without any deductions on account of losses, and without any other deductions of any kind or character: Provided, however, That the term "gross income" shall not include cash discounts allowed and taken on sales; goods, wares or merchandise, or the value thereof, returned by customers when the sale price is refunded either in cash or by credit; nor the receipt of borrowed money, nor the receipt of the repayment thereof, including the receipts from the issuance of bonds or from the redemption thereof; nor judgments for income not taxable under this act; nor amounts received as withdrawal of deposits so far as they constitute the principal thereof; nor the amounts received by the taxpayer as outright gifts, devises or bequests, but only so far as such amounts represent the corpus of such gifts, devises or bequests; nor the receipt of capital by a corporation, partnership, firm or joint venture, from sale of stock or shares in such corporation, partnership, firm or joint venture, or contributions to the capital thereof, but proceeds accruing, or proceeding from subsequent transactions in the stock of such corporation or organizations, or in the interest or shares of the members of any organization shall be included in gross income as defined herein: Provided, further, That the term "gross income" shall not include the gross receipts represented by the value of real or tangible personal property received in reciprocal exchange for real or tangible personal property of like kind by and between the owners

thereof, to the extent of the value of the property or the interest therein of which title is surrendered; nor the gross receipts represented by the value of stock of a corporation or association received in a reciprocal exchange by and between the owners thereof (including the issuing corporation or association) for stock in the same corporation or association to the extent of the value of such stock or the interest therein of which title is surrendered; nor the gross receipts represented by the value of bonds or similar securities issued by any corporation or association, received in a reciprocal exchange by and between the owners thereof, (including the issuing corporation or association) for bonds or similar securities issued by the same corporation or association to the extent of the value of such bonds or similar securities or the interest therein of which title is surrendered; nor the gross receipts represented by the value of stocks, bonds, or other securities received in a reciprocal exchange by and between the owners thereof for other stocks, bonds, or other securities or the interest therein of which title is surrendered, where such exchange is made in the course of a consolidation, merger, or other reorganization, and the stocks, bonds, or other securities received in exchange are issued by one or more corporations or associations each of which is a party to such reorganization. The term "exchange" for the purpose of the foregoing proviso means and includes the transfer of title and/or ownership by means of a transaction involving the barter or swap of property acquired previously to the exchange, by and between the owners thereof, with or without additional consideration. "Exchange" shall not be construed to mean or include any sale of property even though other property of any kind is purchased with the proceeds of such sale, nor shall it be construed to mean or include any barter or swap of property where there are more than two parties to the transaction, nor shall the term include any transaction where the property exchanged is acquired by one party to the transaction as a result of negotiation or arrangement with the other party with intent to effectuate an exchange of the property so acquired. "Like kind" as used herein shall mean and include only property of the same class and kind, and shall have no reference to the grade or quality of such property: Provided, further, That "gross income" shall not include any amount received as payment of the principal amount of a note taken in lieu of cash if either the face

value of such note has been included in taxable gross income at the time of acceptance, or the note was taken prior to July 1, 1954, or is a renewal thereof, but the receipt of interest payments on such note shall be included: Provided, further, That the face amount of a promissory note or retail installment contract, except so much thereof as represents insurance premiums or finance charges derived from either (1) a sale of tangible personal property in the usual course of business of a retail merchant, or, (2) the performance of a contract involving the sale or the furnishing of tangible personal property together with labor or services related thereto, or, (3) the maintenance and repair of automobiles, trucks, tractors, trailers, farm machinery or parts thereof, shall be included in Gross Income and returned under the applicable classification of Section 3 hereof: and any amount received in payment of, or from the sale of, such promissory note or Retail Installment contract shall not be included in Gross Income, but so much of said note or Retail Installment contract as represents a finance charge shall be included in Gross Income if and when collected. Provided, further, That in case of consignment sales "gross income" shall include the gross receipts from the sale of goods sold on consignment and the tax shall be paid thereon by the consignee: Provided, further, That with respect to individuals resident in Kentucky and corporations incorporated under the laws of Kentucky authorized to do and doing business in any other state and/or foreign country, the term "gross income" shall not include gross receipts received from sources outside the State of Kentucky in cases where such gross receipts are received from a trade or business situated and regularly carried on at a legal situs outside the State of Kentucky, or from activities incident thereto (including the disposal of capital assets or other properties which had been theretofore acquired or used in carrying on such trade or business): Provided, further, That it is not the intention by the foregoing language to exclude from the definition of "gross income" any receipts of a taxpayer received as interest or dividends, or from sales, or other receipts received from investments, which investments were acquired and/or disposed of other than in connection with the business in which such taxpayer is regularly engaged, nor shall this exclusion be construed as applying to salaries, wages, bonuses, commis-

sions, or other personal remuneration of any kind or character received by any taxpayer.

(n) In case of banks, trust companies, building and loan associations, investment companies regulated under the federal investment company act of 1940 as amended, brokers, dealers in securities, finance companies, dealers in commercial paper, and persons engaged in the business of lending money or credit, the term "gross income" shall be deemed to mean gross earnings, but only in respect to that part of the total gross income of such persons which is derived from the business and activities enumerated in this subsection.

(o) In case of insurance carriers, "gross income" shall not include any part of gross income as defined in section 1 (m) which becomes or is used to maintain a reserve or other policy liability, but only to the extent to which such reserve or other policy liability is required by the laws of this state or the rulings of the duly authorized supervisory officials of the state, and in the case of domestic insurance carriers shall not include such premium income as is derived from business conducted outside this state on which such domestic insurance carrier pays a premium tax of one per cent or more. Receipts from the sale of, and earnings on, tangible and intangible property which constitutes part of the reserve or other policy liability shall be construed for the purposes of this subsection (o) as gross income which becomes or is used to maintain a reserve or other policy liability.

(p) In case of domestic casualty and fire insurance carriers, the term "gross income" shall be deemed to mean the gross earnings derived as premiums, interest, rents and dividends, and the gross earnings from the sales of assets computed each year, in the business conducted by such carrier, but only so much of such gross earnings as does not become, or is not used to maintain a reserve or other policy liability, and only to the extent to which such reserve is required by the laws of this state, or the rulings of the duly authorized supervisory officials. The term "such gross earnings as does not become or is not used to maintain a reserve or other policy liability" is defined to be that percentage which is the ratio that the average of all reserves bears to the average of all admitted assets of such domestic casualty

or fire insurance carrier for each year. The term "gross income" shall not include such premium income as is derived from business conducted outside this state on which such domestic casualty or fire insurance carrier pays a premium tax of one per cent or more.

Section 2. Levy of Tax-Date-Amendment. There is hereby imposed a tax upon the receipt of gross income, measured by the amount or volume of gross income and in the amount to be determined by the application of rates on such gross income as hereinafter provided. Such tax shall be levied upon the receipt of the entire gross income of all persons resident and/or domiciled in the State of Kentucky, except as herein otherwise provided; and upon the receipt of gross income derived from activities or businesses or any other source within the State of Kentucky, of all persons who are not residents of the State of Kentucky, and shall be in addition to all other taxes now or hereafter imposed with respect to particular privileges, occupations, and/or activities. Said tax shall apply to, and shall be levied and collected upon, the receipt of all gross income received on or after the 1st day of July 1954, with such exceptions and limitations as may be hereinafter provided.

Section 3. Rates of Taxation—Classification. The tax upon the receipt of gross income hereby provided for, shall be measured by the amount or volume of such gross income and shall be imposed at the following rates:

(a) With respect to that part of the gross income of every person which is received from wholesale sales, except as hereinafter provided in subsection (e) of this section, the tax shall be equal to one-fourth of one per sent of such part of the gross income. The term "wholesale sales" means and includes only the following: (1) Sales of any tangible personal property (except capital assets of the seller) to a purchaser who purchases the same for the purpose of reselling it in the form in which it is sold to him; (2) sales of any tangible personal property as a material which is to be directly consumed in direct production by the purchaser in the business of producing tangible personal property by manufacturing, processing, refining, repairing, mining, agriculture, or horticulture; (3) sales of any tangible personal prop-

erty which is to be incorporated by the purchaser as a material or an integral part into tangible property produced by such purchaser in the business of manufacturing, assembling, constructing, refining, or processing; (4) receipts received from the business of industrial processing, enameling, plating or servicing of any tangible personal property which is to be sold by the person for whom such processing, enameling, plating or servicing is done, either as a complete article or incorporated as a material, or as an integral or component part of tangible property produced for sale by such person in the business of manufacturing, assembling, constructing, refining or processing; (5) sales of drugs, medical and dental preparations, and similar materials to be directly consumed in professional use by doctors, hospitals, embalmers, and tonsorial parlors; (6) sales of tangible personal property to be directly consumed by the purchaser in the business of industrial cleaning; and/or (7) sales of any tangible personal property to be directly consumed by the purchaser directly in the business of rendering public utility service: Provided, however, That no sale to a division, unit or department of government shall be deemed to be included within this definition: Provided further, That price or quantity shall not be considered in the application of this definition: Provided, further, That it shall be immaterial in the application of this definition whether sales are made from stock or upon order: Provided, further, That in the application of this definition it shall be immaterial whether or not the seller is the manufacturer or producer of the property sold: Provided, further, That the term "consumed" as used herein shall refer only to the immediate dissipation or expenditure by combustion, use, or application, and shall not mean or include the obsolescence, discarding, disuse, depreciation, damage, wear, or breakage, of tools, dies, equipment, rolling stock or its accessories, machinery, or furnishings.

(b) With respect to that part of the gross income of every person which is received from display advertising, the tax shall be equal to one-fourth of one per cent of such part of the gross income. The term "display advertising", as used herein shall not be construed to include any sale or rental of tangible property nor any personal or professional service in connection with such advertising: Provided, however, That the term "display adver-

tising" shall include outdoor poster and painted display advertising.

(c) With respect to that part of the gross income of every person who is a retail merchant as defined in this act which is received from selling at retail, the tax shall be equal to one-half of one per cent of such part of the gross income.

(d) With respect to that part of the gross income of every person which is received from the business of dry cleaning and laundering, the tax shall be equal to one-half of one per cent of such part of the gross income.

(e) With respect to that part of the gross income of every person received from producing, transmitting, furnishing, wholesaling, and/or retailing electrical energy; or producing, transporting, furnishing, wholesaling, and/or retailing, artificial gas, natural gas, or mixtures of artificial and natural gas, operating a steam and/or electric railway, street car line, motor vehicle, steam or motor boat, or any other vehicle for the transportation of freight, express, and/or passengers for hire; operating a pipe line for the transportation of any commodity for hire; operating any telephone and/or telegraph line; operating any water or sewerage system; or operating any other utility not expressly provided for in this section, the tax shall be equal to one per cent of such part of the gross income.

(f) With respect to that part of the gross income of every person received from operating any bank, trust company, building and loan association, insurance and/or casualty company, finance company, small loan company, or any other business of a similar nature, including all others mentioned in subsection (n) of section 1, the tax shall be equal to one per cent of such part of the gross income.

(g) With respect to that part of the gross income of every person which is received from any source not enumerated in subsection (a) to (f) inclusive, of this section, including, but not in limitation of the foregoing, gross income from professional services, personal services, or services of any character whatsoever, sales of real estate, rentals, all funds received for the performance of contracts, all funds received from the investment

of capital, all receipts from retail sales and all receipts received from any source whatsoever, the tax shall be equal to one per cent of such part of the gross income. The term "retail sales" shall mean any sale of any property not included within the definitions of "wholesale sales" and "selling at retail."

(h) With respect to that part of the income of every person which is derived solely from the purchase and sale of whole grain and soy beans by such person in the capacity of a public terminal grain handler engaged in the business of receiving, processing, storing, and merchandising whole grain and soy beans in markets having full transit privileges, the tax shall be equal to one per cent (1%) of the gross earnings, computed upon an annual basis, derived from such sales of grain and soy beans: Provided, however, that for the purpose of this subsection only, gross earnings shall be construed to mean the gross receipts from sales of such grain and soy beans less the cost of grain and soy beans sold during such period, without any deductions of any other kind or character: Provided, further, that nothing herein contained shall be construed to authorize the computation of the tax due under this act, measured by gross receipts of such persons from storage, cleaning, service or handling charges, or any other receipts except those from sales of whole grain and soy beans on a gross earnings basis.

(i) With respect to that part of the income of every person which is derived solely from the purchase and sale of whole grain and/or soy beans when the United States Government, by any authorized officers, department (of) agency, has by any law, rule, regulation or directive, prescribed both a purchase price and a sale price thereby creating a specific margin between such purchase price and such sale price, the tax shall be equal to 1% of such specific margin.

Section 4. Persons Engaged in Different Business—Rate Amendment. Any person receiving gross income taxable at different rates under the provisions of this act shall be subject to taxation upon his entire gross income at the highest rate applicable to any part of such gross income unless he shall segregate the parts of his gross income taxable at different rates upon his records and in the returns which he files pursuant to the pro-

visions of this act. Such segregation shall be subject to the review of the department as hereinafter provided.

Section 5. Deduction—Amendment. (a) In computing the amount of tax imposed under the provisions of this act, for any year, there shall be deducted by any taxpayer who is a retail merchant as defined in this act, an amount of three thousand dollars ($3,000.00) from that part of his income derived from selling at retail, as defined in this act. Each taxpayer who is a retail merchant selling at retail for any fractional part of a tax year, shall be entitled to a deduction of that part of three thousand dollars ($3,000.00) which bears the same proportion to that amount which the period of time such taxpayer was a retail merchant receiving income from selling at retail, bears to an entire year. Where quarterly returns are filed as provided for in this act, a proportionate part of the deduction provided for in this subsection may be deducted on each such quarterly return. In computing such period of time, a fraction of a month shall be disregarded unless such fraction is more than half a month, in which case it shall be taken as a whole month; Provided, however, That each such retail merchant shall be entitled to a deduction of not less than an amount of one thousand dollars ($1,000.00) per year upon his entire income, but not in addition to the deduction from income derived from selling at retail.

(b) In computing the amount of tax imposed under the provisions of this act for any year, there shall be deducted from the gross income of any taxpayer not provided for in subsection (a), an amount of one thousand dollars ($1,000.00). Each such taxpayer who is taxable hereunder upon gross income for any fractional part of the tax year shall be entitled to a deduction of that part of one thousand dollars ($1,000.00) which bears the same proportion to that amount which the period of time during which the taxpayer is subject to tax bears to an entire year. In computing such period of time, a fraction of a month shall be disregarded unless such fraction is more than a half a month, in which case it shall be taken as a whole month. Where quarterly returns are filed as provided in this act, a proportionate part of the deduction provided for in this subsection may be claimed and allowed on each such quarterly return.

Section 6. Exemptions. There shall be excepted from the gross income taxable under this act:

(a) So much of such gross income as is derived from business conducted in commerce between this state and other states of the United States, or between this state and foreign countries, but only to the extent to which the State of Kentucky is prohibited from taxing such gross income by the Constitution of the United States of America. There shall also be excepted from such gross income, salaries, pensions, and other emoluments paid by the United States of America, and interest or other earnings paid upon bonds or other securities issued by the United States of America, but only to the extent that the State of Kentucky is prohibited from imposing a tax upon such salaries, pensions, emoluments interest, and/or earnings, by the Constitution of the United States of America.

(b) Taxes received or collected by the taxpayer as agent for the State of Kentucky and/or the United States of America. No person shall be considered as an agent for the State of Kentucky and/or the United States of America within the meaning of this subsection (b) unless he has been explicitly designated as a collecting agent in the statute under the terms of which the tax is imposed.

(c) So much of such gross income as is derived from sales to the United States government, but only to the extent to which the State of Kentucky is prohibited from taxing such gross income by the Constitution of the United States of America.

(d) Amounts received under insurance policies and contracts paid by reason of the death of the insured: Provided, however, That this exception shall not apply to interest or earnings paid by the insurer on amounts held for the beneficiaries.

(e) Amounts received, under life insurance, endowment or annuity contracts, either during the term, or at maturity, or upon surrender of the contract, but in no case in excess of the total amount paid to the insurer upon such contracts.

(f) Amounts received under health, or disability insurance contracts, but in no case in excess of the total amount paid to the insurer upon such contracts.

(g) Pensions paid from funds created wholly or in part by deductions, assessments, or contributions paid into such funds by the taxpayer, but in no case in excess of the total amount of such deductions, assessments, or contributions so paid.

(h) Amounts received from insurance companies as property damage, but only to the extent that such amounts are actually used for replacements.

(i) Amounts received by institutions, trusts, groups and bodies organized and operated exclusively for religious, charitable, scientific, fraternal, educational, social and/or civic purposes and not for private benefit, as contributions, tuition fees, initiation fees, matriculation fees, membership fees, and earnings on, or receipts from, slaes of intangible property owned by them: Provided, however, That gross income received by churches, labor unions, fraternal benefit societies, orders, unions or associations incorporated, licensed, and operating under Kentucky laws applicable to Fraternal Beneficiary Associations, monasteries, convents, hospitals, and schools which are a part of the public school system of the State of Kentucky or are regularly maintained as parochial schools by recognized religious denominations, state and other accredited colleges and universities, or any corporation organized and operated solely for the benefit of any of the same, none of the foregoing being organized or operated for private benefit, shall be excepted from taxation under the provisions of this act; Provided, further, That it is not the intention by the foregoing language to exclude from taxable gross income, any fees, dues, or assessments that represent premium payments on insurance policies written by insurance companies which are included in section 1, subsections (o) and (p) of this act: Provided, further, That it is not the intention by the foregoing language to exclude any gross income from taxation under this subsection except as is specifically set out herein.

(j) All amounts received by insurance companies which pay the State of Kentucky a tax of more than one per cent upon premiums, as provided by the laws of this State.

(k) All amounts received by reason of the provisions of any public law of the General Assembly of the State of Kentucky and/or the Congress of the United States, and by reason of service

in the armed forces of the United States, as benefits, allotments and/or allowances, by any persons who have served or are now serving or may hereafter serve as a member of the armed forces of the United States, and by all persons who have been honorably discharged from the armed forces of the United States and the wives, widows and children of such persons who are residents of the state of Kentucky.

(1) All amounts of retailers' excise taxes now or hereafter imposed by the United States solely on the sale at retail of tangible personal property and collected by a retail merchant, as defined herein, from the buyer as a separate item in addition to the price of the property sold, and which is remitted by such retail merchant to the taxing authority.

Section 6A. (Exemption; members of armed forces). Notwithstanding any provision of this act, members of the armed forces of the United States, including the Army, Navy, Air Force, Coast Guard, Marine Corps, Merchant Marine, and the respective reserve components thereof shall be exempted from the payment of gross income tax as provided in this act with respect to the compensation received for military or naval service from and after January 1, 1952 while on active or inactive duty.

Section 7. Partnership—Joint Ventures—Pools Returns—Amendment. (a) Partnerships, joint ventures and pools shall be subject to the tax provided for in this act, and shall make quarterly and annual returns to the department and pay the tax thereon, as provided in section 10 of this act. Only one deduction as provided in Section 5 may be taken on each such return, regardless of the number of partners or participants. Such returns shall show the aliquot share of each partner or participant in such total gross income of the partnership, joint venture or pool, after making the deduction provided for in Section 5. If the tax imposed hereunder upon the receipt of gross income by the partnership, joint venture or pool has been paid by such partnership, joint venture or pool, as herein provided, the amounts received by the partners or participants as their respective distributive shares of the income of such partnership, joint venture or pool will be exempt from gross income tax when received by them. Each partner or participant shall be personally respon-

sible for filing the returns herein provided for, and for the payment of the tax with respect thereto, and each shall be subject to all penalties prescribed in the act for failure to file a return and pay the tax; but a return executed by one partner or participant shall be sufficient for the purposes of this section.

In case of the death of a partner, the surviving partner or partners shall, within sixty days thereafter, execute and file a return reflecting the gross income of the partnership and the aliquot shares of all the partners during the period from the close of the last period for which a partnership return has been filed to the date of the death of such partner, and shall pay the tax thereon, as provided in subsection (a). The decedent's aliquot share of the partnership's gross income as shown on such return shall, if the tax has been paid on the receipt of the partnership income reflected therein, as provided in subsection (a), be exempt from gross income tax when distributed to the estate of such decedent, except as otherwise provided in section 8.

Section 8. Fiduciaries Returns. (a) Except as hereinafter expressly provided, the gross income of a decedent's estate shall be computed in the same manner and on the same basis as in the case of an individual, and any tax found to be due from the estate shall be assessed against and paid by the executor, administrator, or other fiduciary. Every executor, administrator, or other fiduciary of such an estate shall file gross income tax returns, as provided in section 10, in all cases where the decedent, if living, would have been required to file such returns. The first return of an executor, administrator or other fiduciary shall be filed in the form and manner and within the time that a return would have been filed by the decedent had he survived. In such return shall be included all gross income received by the decedent during that portion of the year preceding the death of such decedent including the value of all personal accounts receivable due such decedent, and his aliquot share of the value of accounts receivable due to any partnership, joint venture and/or pool of which he may have been a member, which became a part of the corpus of the estate of the decedent. Such fiduciary shall also file a return for the estate covering the period from the date of the death of the decedent to the close of the current taxable period, and returns for subsequent periods. Returns of executors, ad-

ministrators and other fiduciaries shall be filed in the form and within the time that returns of income are required from individuals and/or other taxpayers. In such returns shall be included all gross income of the estate of the decedent during the period covered by the return. The same exemption shall be allowed in the returns made by executors, administrators, and other fiduciaries as is allowed under section 5.

(b) Guardians shall make separate returns of gross income of each ward under their guardianship under the same provisions of this act as apply to individuals and other taxpayers. Such gross income shall be computed in the same manner as gross income of other persons, and shall be subject to the same deduction as provided in section 5 to which each ward would have been entitled had he made the return himself.

(c) Trustees of trust estates, created by will, by contract, by declaration of trust, or by implication of law, shall make returns covering all gross income received by the trust in accordance with such provisions of this act as apply to individuals and other taxpayers. Only one deduction as provided in section 5 may be taken on such return, regardless of the number of beneficiaries of the trust.

(d) Receivers, trustees in dissolution, trustees in bankruptcy, and assignees, operating the property and/or business of any person, shall make returns for such person in the same manner and form as such person would be required to make under the provisions of this act if such person had control of the property and/or business, and shall also make returns of all unreported income from such property and/or business for any unreported period. Any tax due on the basis of a return made by a receiver, trustee or assignee, shall be collected from the person making the return in the same manner as if collected from the person of whose property and/or business he has custody and control.

(e) Commissioners appointed by courts for the sale of real estate shall make return of the entire gross income received from such sale in the same form and manner as other persons. Only one deduction as provided in section 5 shall be taken upon such

return regardless of the number of persons having an interest in such real estate.

(f) The taxes imposed upon the receipt of the gross income referred to in the foregoing subsections (a) to (d) inclusive, shall be a lien upon the portion of the trust estate or interest therein from which such gross income is received, and such taxes shall be paid by the fiduciary. The taxes imposed upon the receipt of gross income in the case of the sales of real estate by a commissioner as provided in subsection (e) shall be paid by such commissioner. If such tax has been paid by the fiduciary, or by the commissioner, as the case may be, the amounts received by heirs, beneficiaries, and distributees, as their distributive shares of such gross income, will be exempt from gross income tax when received by them; but this exemption shall not apply to payment of claims of creditors or amounts distributed to stockholders in distribution or upon dissolution. Any such taxes found to be due and unpaid after the executor, administrator, commissioner for the sale of real estate, or other fiduciary, is discharged, shall be asssesed against and paid by the beneficiaries or distributees in the same ratio that their interest in the estate, trust, or property sold by a commissioner bears to the total estate, trust, or property so sold.

(g) A resident of Kentucky who receives a gross income from a non-resident fiduciary shall be taxed upon such income the same as though it had been received by such resident without the intervention of a fiduciary, unless such non-resident fiduciary shall have paid this tax upon such income; and a resident fiduciary receiving gross income for a non-resident beneficiary shall make a return of such gross income and pay the tax thereon before distribution.

(h) No final report or account of any executor, administrator, or other fiduciary, or of any commissioner for the sale of real estate, or other officer acting under the authority and supervision of any court, shall be allowed or approved by the court unless such report or account shows, and the court finds, that all taxes imposed by this act have been paid, and that all taxes which may become due hereunder are secured by bond, deposit, or otherwise. A certificate of clearance shall be issued by the depart-

ment to the executor, administrator, other fiduciary, commissioner for the sale of real estate, or any other officer acting under authority and supervision of court, or to their attorney within thirty days after request therefor to the department and such certificate of the department shall be conclusive as to the payment of the tax or that no tax is due and payable: Provided, That at the expiration of thirty days after such request has been made, if for any reason the department has failed to issue such certificate of clearance, any person entitled thereto may submit to the court other evidence of the payment of said tax or that no tax is due and payable or that security has been provided for any tax which may become due, and the court may thereafter approve such report or account and such approval by the court shall likewise be conclusive as to the payment of the taxes imposed by this act. Any liability for the tax hereunder shall constitute a preferred claim, and shall be prior to all other claims except judicial costs and costs of administration.

(i) All stockholders who shall receive distribution of the assets of a corporation, joint stock association, or other organization in which they hold stock, shall be liable, to the extent of the assets so received by them, for the proportionate part of the unpaid taxes imposed hereunder owned by such organization in which they are, or have been, stockholders, which their respective stock holdings bear to the total outstanding stock of the organization prior to its dissolution. Such amount for which any such distributee is liable, and the amount of the liability of any fiduciary under this act, shall be assessed against such distributee or such fiduciary, as the case may be, and collected and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in tax imposed by this act, as hereinafter provided.

Section 9. Corporations—Returns—Amendments. (a) Under regulations prescribed by the department, corporations which are affiliated as provided herein shall have the privilege of making a consolidated return, as hereinafter provided. Corporations will be deemed to be affiliated within the meaning of this section if at least ninety-five per cent of the voting stock of one corporation (exclusive of directors' qualifying shares) shall be owned by the other corporation. Every corporation affiliated with another

corporation, as defined above, shall be deemed to be affiliated with every corporation which is affiliated with such other corporation. All corporations thus affiliated will be deemed to constitute an affiliated group. In case an election is made to file a consolidated return, such return shall include only the gross income of such members of the affiliated group as are incorporated in the State of Kentucky or duly authorized to do business therein. The affiliated group will be allowed only one exemption upon a consolidated return, as provided in section 5 of this act. In such consolidated return there may be eliminated from the gross income only that portion which is received from sales of property between such members as are incorporated in the State of Kentucky or duly authorized to do business therein, and also interest, rentals and dividends paid by one such corporate member to another: Provided, however, That no such sales made, or other income earned, outside the State of Kentucky may be eliminated under this section: Provided, further, That gross receipts of any member of the affiliated group which are received in distribution in connection with the dissolution of any other member of the group shall not be permitted to be eliminated. Provided, further, that each and every member of any affiliated group which is incorporated in the State of Kentucky or duly authorized to do business therein shall be jointly and severally liable for any tax imposed hereunder upon the group and each individual corporate member thereof. An affiliated group must elect at the time of filing its first annual return under this act whether or not it will file a consolidated return or whether each member of the affiliated group shall file separate returns. Thereafter all returns will be required to be filed upon the same basis used in the return above mentioned, unless, in accordance with regulations of the department, permission is granted by the department to change the method of making returns from a consolidated to an individual basis or from an individual to a consolidated basis. The department shall make such regulations as are deemed necessary or advisable to govern consolidated returns, and all consolidated returns filed in accordance herewith shall be deemed to have been filed under, and to be subject to, the terms and conditions of, such regulations. The first return of an affiliated group shall be made by any member of the group which is incorporated in the State of Kentucky or duly authorized

to do business therein. Subsequent returns of the affiliated group shall be made by the member making the first return for the group, unless the department grants permission to some other member to make such returns.

(b) Under regulations prescribed by the department, all businesses whose gross income is received at two or more business locations within the state may be required to file, with their quarterly and annual returns, information returns, showing the allocation of such incomes to the locations at which such incomes were received.

Section 10. Gross Income Tax—Returns—Quarterly—Annual Returns—Extention—Amendment. (a) The taxes levied hereunder shall be due and payable in quarterly installments on or before the thirty-first day of January, the thirtieth day of April, the thirty-first day of July, and the thirty-first day of October, in each year, for the period ending on the last day of the preceding month. The taxpayer shall make out a return in the form required by subsection (c) of this section on or before the thirtieth day of April, and the thirty-first day of July and October showing his gross income and the amount of tax for which he is liable for the quarter ending on the last day of the preceding month and shall transmit the same, together with remittance for the amount of the tax, to the office of the department. Every taxpayer shall, if his gross income for a taxable year exceeds the amount of one thousand dollars whether or not he is liable for any tax hereunder make out a return in the form required by subsection (c) of this section on or before the thirty-first day of January. Such return shall show the total amount of his gross income for the year ending on the thirty-first day of the preceding December, and the amount of tax, if any, for which he is liable, and shall be transmitted, together with remittance for the amount of the tax, to the office of the department. Such annual return, as provided herein, shall include all gross income received by the taxpayer in the taxable year, including the fourth quarterly period, and no separate return for such fourth quarterly period shall be required. From the amount of tax computed on such annual return, the tax previously paid on quarterly returns within the said taxable year shall be deducted. All returns herein provided for shall be signed by the taxpayer or his duly author-

ized agent. When the department has granted permission to any taxpayer to file returns and pay tax upon the basis of a fiscal year differing from the twelve month calendar year, the due dates of the taxpayer's quarterly and/or annual returns shall be those prescribed by the department but shall conform as nearly as may be, to the dates prescribed in this section for the filing of such returns on a calendar year basis. Any person who does not file a return may be required to execute and file with the department a statement under oath that he did not receive, during any tax period, taxable gross income in excess of one thousand dollars for such tax period. Members of the armed forces of the United States including the Army, Navy, Air Force, Coast Guard, Marine Corps, Merchant Marine, and the respective reserve components thereof with respect to any income other than that exempted in section 6a of this act, shall not be required to file any return therefor or pay any such tax thereon, until six months after the official termination of hostilities of the United Nations Korean Police Action or any other armed conflict in which the United States is engaged and in which the taxpayer is serving in the armed forces of the United States, or until six months after discharge, separation or retirement from active service in said armed forces, whichever occurs first. Such taxpayer shall not be required to pay any penalty or interest with respect thereto if such return is filed and the tax due thereon is paid within the above prescribed time limitation. Every such member when making his return shall show that he was a member of the armed forces of the United States, and he shall give the name and number of the military or naval unit of which he was a member, and the date of his discharge, separation or retirement. Provided, That in case of the death of any such member of any such armed forces before such return is required as above provided, such tax upon income other than compensation received for military or naval service shall be wholly forgiven and waived, and the same shall not be a lien upon the estate of such person, and no return with respect thereto need be filed.

(b) When the total tax for which any person is liable under this act does not exceed the sum of ten dollars in any quarter year, he shall not be required to make a quarterly return for

that quarter, but an annual return and remittance shall be required as provided in this section.

(c) The quarterly and annual returns required under this act shall be made upon forms to be prescribed by the department; but the department or any of its agents shall not require any taxpayer to show on his return the corporate name or title of any stock, or the name of the obligor of any other security from which, or by reason of which, the taxpayer derives gross income taxable under this act.

(d) When good cause is shown by a taxpayer upon his application to the department on or before the final due date for filing such return as set out in this act, the department may extend the time for making any return required under the provisions of this act, but the time for filing any such return shall not be extended for a longer period than thirty days. If, however, the director finds that it would work undue hardship upon the taxpayer to file a return within thirty days after the regular due date for filing such return, an additional extension of sixty days may be granted: Providing, however, That interest at the rate of one per cent per month shall be assessed and collected upon the tax due from the due date for filing the return.

(e) If the department finds that a taxpayer designs quickly to depart from the state or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to jeopardize, prejudice, or to render wholly or partly ineffectual proceedings to collect such tax unless such proceedings be brought without delay, the department may, at any time, declare the tax period of such taxpayer at an end, and may make an immediate assessment of the amount of tax found to be due, together with interest and penalties provided for by this act, and without the statutory notice required by Section 11 (g), and notify the taxpayer thereof, and simultaneously demand immediate payment of the amount due. If such payment be not made on demand, the department shall immediately issue a warrant to the sheriff of the county in the state commanding him to immediately levy upon and sell the real and personal property of the person owing said tax, or the department may, in its discretion, accept a bond from the taxpayer to insure the pay-

ment of the tax computed, until the tax legally due shall be determined. Such bond shall be with sureties satisfactory to the department, and shall be in any amount deemed necessary, but shall not be more than double the amount of the tax computed.

Section 11. Incorrect Returns—Excess Payments—Deficiency—Amendment. (a) As soon as practicable after the return is filed, the department shall examine it; if it appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed.

(b) If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be credited against any subsequent tax due in that year; and if upon examination and audit of the annual return and the books and records of the taxpayer, it is found, through the recomputation of the total tax for that year, that a balance of excess payment or payments remains, such balance shall be credited or refunded to the taxpayer by a voucher approved by the department and issued to the Department of Finance. The Department of Finance shall thereupon issue its warrant on the treasurer, which warrant shall be payable out of any funds in the state treasury not otherwise appropriated. Any amount recovered by suit by any taxpayer as provided in section 14 of this act shall be refunded in like manner, but the refund shall be accompanied by a copy of the order or decree of the court. Any refund paid under the terms hereof shall bear interest at the rate of three per cent per annum from the date of overpayment until the date the refund was allowed.

(c) If the amount already paid is less than the amount which should have been paid, the difference, to the extent not covered by any credits under this act, together with interest thereon at the rate of one per cent per month from the time the tax was due, shall be paid upon notice and demand by the department.

(d) If any part or all the deficiency is due to negligence or intentional disregard of authorized rules and regulations, but without intent to defraud, there shall be added as a penalty, ten per cent of the total amount of the deficiency in the tax, and interest in such case shall be collected at the rate of one per cent

per month on the amount of such deficiency in the tax from the time it was due, which interest and penalty shall become due and payable upon notice and demand by the department.

(e) If any part of the deficiency is due to fraud with intent to evade the tax, then there shall be added as a penalty fifty per cent of the total amount of the deficiency in the tax, and in such case the whole amount of tax unpaid, including penalty added, shall become due and payable upon notice and demand by the department, and an additional one per cent per month of the amount of such deficiency in the tax shall be added from the date it was due until paid.

(f) If any taxpayer fails to file a return and/or to pay the tax within the time prescribed by this act, the department shall add to the tax of such person ten per cent thereof as a penalty: Provided, however, That such a penalty shall in no case be less than two dollars. If any person fails to file a return as required by section 10 (a) of this act in cases where his gross income is one thousand dollars ($1,000.00) or more, even though no tax be due, a specific penalty of two dollars shall be assessed. If, however, a return is filed and/or the tax is paid within thirty days after the date specified for filing the return, and it is shown by affirmative evidence satisfactory to the department that the failure to file such return and/or to pay such tax within the time specified in this act was due to a reasonable cause, such penalty may be waived.

(g) If any taxpayer fails to make any return or pay the tax due and required by this act, the department shall give written notice by registered mail to such taxpayer to make such return within twenty days from the date of such notice, and if such taxpayer shall fail or refuse to make such return as he may be required to make under this act within such time, then such return shall be made by the department from the best information available, and tax computed thereon, and such return shall be prima facie correct for the purposes of this act. To the tax computed on such return shall be added fifty per cent of such tax as penalty, together with interest on such tax at the rate of one per cent per month from the time such tax was due. A copy of the return shall be sent by registered mail to the taxpayer, together with a demand that the payment of the tax, penalty, and

interest be made within ten days from the receipt of such notice. Failure to make payment within such time shall subject the taxpayer to the provisions of Section 13.

Section 12. Improper Assessment—Procedure—Statute of Limitation. (a) If the department discovers from the examination of any return, or otherwise, that the gross income of any taxpayer, or any portion thereof, has not been properly reported, or that proper tax computation and assessment has not been made, it may at any time within three years after the time when the annual return covering such gross income was filed, issue to the taxpayer a notice of proposed assessment, by registered mail, and in such notice offer to the taxpayer an opportunity to present orally, or in writing to the department or its authorized agents, his objections to the proposed assessment. If no protest or objection is made by the taxpayer within thirty days after the date of mailing such notice, or if, after hearing, or after taxpayer's failure to appear for hearings as scheduled, his protests and objections or any part thereof are denied, the department shall assess the gross income tax of such taxpayer, or any portion thereof which is found to be due and unpaid, and shall make demand on such taxpayer for the amount of the tax and interest and penalties, if any so assessed and the amount thereof shall be payable within ten days from the date of mailing such demand. An annual return filed on or before the last day for filing an annual return shall be considered as having been filed on such last day. The limitation of three years shall apply only to the issuance of the notice of proposed assessment and shall not apply to subsequent assessment of tax nor shall it apply in any case involving fraudulent returns nor in a case where a person failed to file a return for any tax period provided for in this Act. Unsigned or blank returns shall not be considered as returns filed. The provisions of this Act, with respect to revision and appeal shall also apply to any tax assessed under the provisions of this section.

(b) Where, before the expiration of the time prescribed in subsection (a) of this Section 12 for the proposed assessment of the tax, both the department and the taxpayer have consented in writing to its proposed assessment after such time, the department may propose to assess and assess the tax at any time

prior to the expiration of the period agreed upon. The considerations for such agreement shall be the Department's waiving its claim for interest which may be applicable after the date of such agreement and the taxpayer waiving the limitation period for examination and proposed assessment. The period so agreed upon may be extended by subsequent agreement in writing made before the expiration of the period previously agreed upon. If any taxpayer agrees to such consent and waiver for any extension of time, it shall be considered that he has agreed to an equal extension of time for preserving his records as required in Section 26.

Section 13. Failure to Pay Tax—Remedies—Receivers. (a) If any tax, penalties, or interest, or any proportion thereof, imposed by this Act and demanded by the Department be not paid within thirty (30) days after the same is found to be due and within the ten (10) days after the demand provided for in Section 12 (a) of this Act, the Department shall issue a warrant under its official seal, directed to the sheriff of any county of the state, commanding him to levy upon and sell the real and personal property of the person owing said tax, found within his county, for the payment of the amount thereof, with damages to the amount of ten per cent of the tax, in addition to the penalties imposed for failure to make a return, and in addition to the penalties imposed under Section 11 of this act, and interest, and costs of executing the warrant, and to return such warrant to the department and pay to it the money collected by virtue thereof, by a time to be therein specified, not more than sixty days from the date of the warrant. Provided, however, that the thirty (30) day period prior to issuance of warrants shall not apply to issuance of warrants provided for in subsection (e) of Section 10 of this Act. The sheriff shall, within five days after the receipt of the warrant, file a copy thereof with the clerk of the circuit court of his county, and thereupon the clerk shall enter in the judgment record, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in the appropriate columns, the amount of the tax or portion thereof, and damages for which the warrant is issued, and the day when such copy is filed; and thereupon the amount of such warrant so docketed shall become a lien upon the title to and

interest in real and personal property, including choses in action except negotiable instruments not past due, of the person against whom it is issued in the same manner as a judgment duly enrolled in the office of such clerk. Such judgments shall remain in full force and effect for a period of ten (10) years from the date of recording unless paid or satisfied prior to the expiration of said ten (10) years and shall bear interest at the rate provided for in Section 11 of this Act. Such judgments may be renewed by the Department of Revenue by issuing an alias renewal warrant and filing same with the Clerk. The sheriff shall immediately upon the recording of a warrant levy upon any property of the taxpayer, including negotiable instruments, in all respects with like effect, an in the manner prescribed by law in respect to executions issued against property upon judgments or attachment proceedings of a court of record, and the remedies by garnishment and proceedings supplementary shall apply. Such sheriff shall levy on choses in action by serving notice of such levy upon the debtor of such taxpayer and any payment made to the sheriff by such debtor thereafter upon such chose in action shall constitute a discharge of such chose in action to the extent of such payment. Such debtor is hereby indemnified against the claims and demands of any taxpayer for amounts so paid or for damages arising from such payment. Such officers shall be entitled to the same fees, to be collected in the same manner, as is now provided by law for like services. The sheriff shall also be entitled to retain for his services the amount of damages set forth in the warrant and as prescribed herein, but only when the full amount of tax and penalties set forth in the warrant has been collected by him and transmitted to the department. In every instance in which the sheriff shall return any warrant unsatisfied, the sheriff shall attach to his return an inventory or schedule sworn to by the taxpayer of all the property, real or personal, of the taxpayer, describing the real estate by metes and bounds, and the personal property by separate items, specifically noting thereon all incumbrances; or in lieu thereof a statement by the taxpayer under oath that he possesses no property whatever. If, within the time prescribed in the warrant the sheriff shall fail to file either such schedule, such statement of the taxpayer, or a statement sworn to by the sheriff that he has made a demand upon the taxpayer to make such schedule or statement and that

such demand was refused the sheriff shall forfeit to the State of Kentucky for each such failure the sum of twenty dollars ($20.00). It shall be the duty of the taxpayer to make such verified inventory, schedule, or statement, upon the demand of the sheriff, and it shall be unlawful for any taxpayer to refuse so to do. Any person refusing so to make and provide such inventory, schedule, or statement, shall be guilty of a misdemeanor and on conviction thereof, shall be fined not less than twenty (20) nor more than fifty (50) dollars, or imprisoned not exceeding six (6) months in the county jail, or punished by both such fine and imprisonment. Should any inventory or schedule disclose any property upon which the sheriff might have made a levy and sale to satisfy, or partially satisfy, any warrant, the failure of the sheriff to make such levy and/or sale shall constitute misfeasance in office, and shall subject the sheriff to liability upon his official bond, to the State of Kentucky in an amount equal to the amount which might have been collected upon the said warrant had such levy and/or sale been made. Such liability upon the part of the sheriff shall constitute a debt due to the State of Kentucky, and may be recovered in any suit instituted by the attorney general in the name of the State of Kentucky for that purpose. The liability for any tax, interest, penalties, and damages imposed by this act shall not be subject to any of the provisions of the exemption laws of the State of Kentucky for the relief of debtors. The Department may issue to the Clerk a satisfaction of lien in any case where it is shown that the full amount of the judgment plus interest accrued thereon has been paid or where it is found that the assessment was in error but in no other case shall the Department release any portion or parcel of taxpayer's property affected by such judgment. The warrant provided for herein shall be the sheriff's instrument of execution on the judgment and in case the execution and levy is not made with the 60 days provided, the Department may issue an alias warrant in the same amounts which shall be served with like effect as the original warrant.

(b) A tax due and unpaid under this act shall constitute a debt due the state, and may be collected by action at law, or other appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies; and the same shall be

collected, together with an additional ten per cent of the amount of the tax and penalties imposed for failure to make a return, or making a fraudulent return, and the costs of collection if paid within thirty days after the date said tax was due, and an additional two per cent of the amount of the tax for each succeeding thirty days or fraction thereof elapsing before the tax shall have been paid: Provided, however, That the additional two per cent penalty shall not be applied until a ten day notice of delinquency shall have been sent to the taxpayer.

(c) Any person against whom a tax shall be assessed as herein provided shall be restrained and enjoined upon the order of the department, by proper proceedings instituted in the name of the State of Kentucky, brought by the attorney general and/or any prosecuting attorney at the request of the department, from engaging and/or continuing in business, until the taxes shall have been paid, and until such person shall have complied with the provisions of this act; and such attorneys shall prosecute violations of criminal provisions of this act, upon the request of the department.

(d) If any tax assessed under this act, or any portion thereof, be not paid within one hundred and twenty days after the same is found to be due, a receiver may be appointed by the circuit or superior court of the county in which such taxpayer resides, or the judge thereof in vacation, in a proceeding requesting such appointment, instituted against the said taxpayer in the name of the State of Kentucky brought by the attorney general at the request of the department; the court shall appoint a receiver when it finds that the taxpayer has not paid the tax, or amount due, imposed by this act within one hundred and twenty days after the same is found to be due, and that the tax, or any portion thereof is unpaid and delinquent. Such cause for the appointment of a receiver shall be in addition to all other causes or grounds provided by law for the appointment of receivers, and shall be in addition to all other methods for the enforcement of this act. Each such receiver shall give bond and be sworn as provided for by law, and shall have power, under the control of the court, or the judge thereof in vacation, to bring and defend actions, to take and keep possession of the property of the taxpayer, to receive all funds and collect any debts owing to the

taxpayer, in the receiver's name, and generally to do such acts respecting the property as the court or judge thereof shall authorize and shall have all of the powers granted to, and shall be subject to all of the duties of, receivers under the laws of this state. In all proceedings hereinafter instituted under the provisions of this section, in which a receiver may be appointed or refused, the party aggrieved may, within ten (10) days thereafter, appeal from the decision of the court to the Supreme Court, without awaiting the final determination of such proceedings; and in cases where a receiver has been appointed, upon the appellant filing an appeal bond with sufficient surety in such sums as may have been required of such receiver, conditioned upon the due prosecution of such appeal and the payment of all costs or damages that may accrue to any officer or person by reason thereof, the authority of such receiver shall be suspended until the final determination of such appeal.

(e) It is expressly provided that the foregoing remedies shall be cumulative and shall be in addition to all other existing remedies, and that no action taken by the department, the attorney general, or any other officer shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy.

Section 14. Petition for Hearing upon Assessment Tax Improperly Paid Refund Limitation of Actions Appeal Enjoining Collection of Tax Prohibited Amendment. (a) If any person considers that he has paid to the department for any year an amount which is in excess of the amount legally due from him for that year under the terms of this act, he may apply to the department, by petition in writing, at any time within three years after the payment for the annual period for which such alleged overpayment has been made, for a correction of the amount so paid by him to the department, and for a refund of the amount which he claims has been illegally collected and paid. In such petition, he shall set forth the amount which he claims should be refunded, and the reasons for such claim. The department shall promptly consider such petition, and may grant such refund in whole or in part, or may wholly deny the same. If denied in while or in part, the petitioner shall be forthwith notified of such action of the department, and of its grounds

for such denial. The department may in its discretion, grant the petitioner a further hearing with respect to such petition. Any person improperly charged with any tax provided for under the terms of this act, and required to pay the same, may recover any amount thus improperly collected, together with interest, in a civil action or suit against the department in the circuit or superior court of the county of his residence or business location and if he has no such residence or business location, then in the Franklin Circuit Court. The State hereby consents to such suits in said courts and no others and said courts are hereby granted exclusive jurisdiction of said suits: Provided, however, That except as hereinafter provided, no court shall have jurisdiction over any such a suit unless the taxpayer shall show that the complaint therein was filed within three months after he shall have received notification of the action of the department denying said petition for refund in whole or in part. In the event that the department shall take no action upon such petition for refund within six months after the same shall have been filed, the taxpayer may elect to institute such suit for refund at any time thereafter, but not more than three months after such claim shall have been denied in whole or in part, but in no event more than three years from the date of the filing of the claim for refund. Any such petition shall be subject to the provisions of section 11 (b). In every such action, a copy of the complaint shall be served upon the department, with the summons, which summons shall be so served at least thirty (30) days before the return date thereof. It shall not be necessary for any taxpayer to protest against the payment of the tax in order to maintain such suit. In any suit to recover taxes paid, or to collect taxes, imposed under the provisions of this act, the court shall adjudge costs to such extent and in such manner as may be deemed equitable.

(b) Either party to such suit shall have the right to appeal, as now provided by law in civil cases. In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then it shall be the duty of the state auditor, upon receipt of a certified copy of such final judgment, to issue a warrant directed to the treasurer in favor of such taxpayer, to pay such judgment, interest and costs. It shall be

the duty of the treasurer to honor such warrant and pay such judgment out of any funds in the state treasury not otherwise appropriated.

(c) It shall be the duty of the attorney general to represent the department, and/or the State of Kentucky, in all legal matters or litigations, either criminal or civil, relating to the enforcement, construction, application and administration of this act.

(d) No injunction to restrain or delay the collection of any tax claimed to be due under the provisions of this act shall be issued by any court, but in all cases in which, for any reason, it be claimed that any such tax about to be collected is wrongful or illegal in whole or in part, the remedy, except as otherwise expressly provided in this act, shall be by payment and action to recover such tax as provided in this section.

Section 15. State Tax Commission - Authority - Duties County Tax Commissioner Duties Unlawful Acts - Penalty Amendment. The State Tax Commission is hereby authorized and required to prescribe that blanks for the listing of personal property for taxation, beginning with the blanks to be furnished to taxpayers in 1955, and thereafter, shall include an interrogatory in addition to those now prescribed by law to be answered and under oath. Such interrogatory shall be upon the proper blank form to be furnished by the County Tax Commissioner, who shall also administer the oath;

Interrogatory Four Did you pay gross income tax to the State of Kentucky with respect to your gross income for the preceding calendar year?

The County Tax Commissioner is hereby mandated to obtain the answer to such interrogatory under oath. If any County Tax Commissioner or deputy shall fail or neglect to require the answer to such interrogatory under oath, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not exceeding twenty dollars ($20.00) for each case of such omission or neglect. The answers to such interrogatory shall be open to the inspection of any authorized agent of the department.

Section 16. Information Returns - By Whom - Filing Date - Extension Amendment. Every individual, partnership, corporation, joint stock company, or association, whether or not exempt from taxation under this act, being a resident of, or having a place of business in, this state, in whatever capacity acting, including banking institution, lessees or mortgagors of real or personal property, commissioners for sale of property, fiduciaries, brokers, employers, and all officers and employees of the state or of any political subdivision of the state, having the control, receipt, custody, disposal, or payment of (1) salaries, wages or other compensation paid in employer-employee relationships of $100.00 or more or (2) dividends of $100.00 or more, and interest of $100.00 or more (other than interest coupons payable to bearer) or (3) rents, premiums, annuities, compensations, renumerations, emoluments, or other fixed or determinable annual or periodic income, in such amount as is required to be reported under the information at source provisions of the Federal income tax laws, paid, payable or credited during any year to any resident and/or to any non-resident when such annual or periodical income received by such non-resident would be taxable under this act, shall make information returns thereof under oath to the department, under such regulations and in such form and manner and to such extent as may be prescribed by it. Such returns shall be filed on or before January thirty-first of each year unless the department shall extend the time for filing such returns.

Section 17. Withholding Agents - Duties - When Liable - Amendment. (a) For the calendar year 1955, and for each calendar year thereafter, each withholding agent shall deduct and withhold from all salaries, wages, commissions, gratuities, emoluments, perquisites, and other fixed or determinable annual or periodical income of whatever kind and in whatever form paid or credited, earned by any taxpayer for personal service and the receipt of which is subject to tax under this act, one percent of the amount by which the amount of such compensation paid or credited, or to be paid or credited, in the calendar year by such withholding agent to such taxpayer, exceeds the amount of one thousand dollars: Provided, however, That a withholding agent with whom a certificate under oath in such form as shall

be prescribed by the department, to the effect that the person entitled to such compensation is a resident of the State of Kentucky, and setting forth his residence address, shall be filed after the beginning of the calendar year and before the time when such withholding agent is required to make return and payment, as hereafter provided, need not deduct or withhold anything from the compensation or other gross income herein required to be withheld of the person filing such certificate. The department may, by regulation, require withholding agents to forward to it at stated times any of the certificates mentioned in this subsection (a).

(b) Upon written notice and demand addressed to any withholding agent by the department, such withholding agent shall, for each calendar year or part thereof after the receipt of such demand, deduct and withhold from all interest, dividends, and other fixed and determinable annual or periodical gross income not mentioned in subsection (a) hereof, of whatever kind and in whatever form paid or credited, receivable by any taxpayer who shall not have filed the certificate mentioned in subsection (a) and who shall have been named in the notice from the department of treasury as specified above, and of which such withholding agent shall have control, receipt, custody, disposal, or payment, one per cent of the amount by which the amount of such gross income paid or credited, or to be paid or credited, in the calendar year, by such withholding agent to such taxpayer exceeds the amount of one thousand dollars.

(c) Every withholding agent required to deduct and withhold any tax under subsection (a) and/or (b) of this section shall make return thereof on forms prescribed by the department on or before the thirty-first day of January in each year, and shall at the same time pay the tax thus withheld, to the department. Every such withholding agent is hereby made liable for such tax, and is hereby idemnified against the claims and demands of any individual, corporation, partnership, or other entity, for the amount of any payments made in accordance with the provisions of this section.

(d) Gross income upon which any tax is required to be

withheld at the source under the provisions of this section shall be included in the return of the person entitled to receive such gross income, but any amount of tax so withheld shall be credited against the amount of tax as computed in such return. Any amount withheld by such withholding agent and paid by him to the department which is in excess of the total amount of tax, interest and penalties due from the taxpayer against whom withholding has been made, shall be refunded with interest to the taxpayer. If such refund shall be claimed by the taxpayer and shall not be allowed by the department, then the taxpayer may institute suit for the recovery of any amount so withheld which he alleges to be due him. Such suit shall be governed by the provisions of section 14 of this act.

(e) For the calendar year 1955 and for each calendar year thereafter, each withholding agent, as defined in section 1 (1) of the Gross Income Tax Act, as amended, shall deduct and withhold from all payments made for the performance of contracts within the state of Kentucky by non-resident contractors, except contracts of sale, the receipt of which payments are subject to tax under the provisions of this act and regulations issued and approved for the administration of this act, one per cent of the amount paid or credited in the calendar year by such withholding agent to such taxpayer in excess of one thousand dollars.

Section 18. Calendar Year—Fiscal Year—Accrual Basis. (a) The assessment of taxes herein provided for, and the returns required therefor, shall be for the year ending on the thirty-first day of December: Provided, however, That if the taxpayer in transacting his business, keeps the books reflecting the same on a basis other than the calendar year, he may, with the written consent of the department and upon such conditions as it may prescribe, make his returns, both quarterly and annually, and pay taxes on the basis of his accounting period, as shown by the method of keeping the books of his business.

(b) The department may grant to any taxpayer the privilege of reporting his gross receipts upon an accrual basis and shall establish rules and regulations therefor not inconsistent with this act. Such persons shall not be required to pay tax upon

cash discounts allowed upon sales and deducted from the purchase price.

Section 19. Taxes Additional—Amendment. The tax imposed by this act shall be in addition to all licenses and taxes imposed by law as a condition precedent to engaging in any business taxable thereunder, except as in this act otherwise specifically provided. No municipality shall, however, be authorized to levy any tax by virtue of the provisions of this act.

Section 20. Remittances—How Made—Amendment. All remittances of taxes imposed by this act shall be made to the department by bank draft, check, cashier's check, money order, or money, and the department shall issue its receipts therefor to the taxpayer and shall deposit all money received, in any bank or banks in this state qualified as a state depository. Provided, however, that no remittance other than cash shall be a final discharge of liability for the tax hereby imposed unless and until it has been paid in cash to the department.

Section 21. Taxes Collected—Disposition—Amendment. On or before the fifth day of each month the total amount received from taxes levied under the provisions of this act during the preceding month shall be paid by the department into the state treasury and credited to the general fund.

Section 22. Annual Audit—Amendment. At the end of each year, the books and records of the department shall be audited as provided by law.

Section 23. Department—Records—Amendment. The department shall keep full and accurate records of all money received by it, and how disbursed; and shall preserve, for a period of three years, all returns filed with it under this act.

Section 24. Returns—Information Confidential—Violation—Penalty—Amendment. Unless in accordance with a judicial order, or as herein provided, the department, its counsel, agents, clerks, stenographers, or other employees, shall not divulge the gross income, or the amount of tax paid by any person, or any other information disclosed by the reports filed under the provisions of the act, except to members and employees of the department, or to the the governor, or to the attorney general or

any other legal representative of the state in any action in respect to the amount of tax due under the provisions of this act, or to any duly authorized officer of the United States. Provided, however, That such information may be revealed upon the receipt of a certified request to any designated officer of the State Department of any other state, district, territory, or possession of the United States when such state, district, territory, or possession permits the exchange of like information with the taxing officials of the State of Kentucky and when it is agreed that such information is to be confidential and to be used solely for tax collection purposes. Any violation of the provisions of this section shall be followed forthwith by the dismissal of the offending officer or employee of the state from his office or employment, and in addition, the offender shall be deemed guilty of a misdemeanor, and be subject to a fine of not less than one hundred dollars nor more than five hundred dollars, and imprisonment for not less than ten days nor more than thirty days in the county jail.

Section 25. Secretary of State—Duties—Amendment. The secretary of state shall withhold the issuance of any certificate of voluntary dissolution of any corporation organized under the laws of this state, or any certificate of withdrawal of any corporation organized under the laws of another state and admitted to do business in this state, until the receipt of a notice from the department to the effect that the tax levied under this act against any such corporation has been paid, or until he shall be notified by the department that such corporation is not subject to taxation hereunder.

Section 26. Taxpayers Records—Examination by Department—Unlawful Acts—Penalty—Amendment. (a) It shall be the duty of every person subject to taxation hereunder to keep and preserve records of his gross income, and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. It shall be the duty of every such person to keep and preserve such records for a period of three years, and all such records shall be open for examination at any time, by the department or its duly authorized agents. Any person violating any of the provisions of this subsection (a) shall be guilty of a misdemeanor and on con-

viction thereof shall be fined not less than one hundred nor more than five hundred dollars.

(b) It shall be unlawful for any person to make false entries in his books with intent to defraud the state or evade the payment of the tax, or any part thereof, imposed by this act; or to keep more than one set of books, with like intent. It shall also be unlawful for the president, vice-president, secretary, treasurer or other officer or employee of any company or association, or for any partner or employee of any partnership to make, cause to be made, or permit to be made any false entires in the books of such company, association, or partnership, as the case may be, with the intent to avoid the payment of any tax imposed hereunder, or to keep or permit to be kept more than one set of books for such company or association, or partnership, with like intent. Any person violating any of the provisions of this subsection (b) shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred or more than one thousand dollars, or imprisonment not exceeding six months in the county jail, or punished by both such fine and imprisonment, at the discretion of the court or jury trying the case, within the limitations aforesaid.

Section 27. Unlawful Acts—Penalty—Amendment. (a) It shall be unlawful for any person to fail or refuse to make any return required to be made under the provisions of this act, or to make any false or fraudulent return or false statement in any return, with intent to defraud the state or to evade the payment of the tax, or any part thereof, imposed by this act; or for the president, vice-president, secretary, treasurer, or other officer or employee of any company or association, or any partner or employee of any partnership, to make or cause to be made or permit to be made for any company, association, or partnership, as the case may be, any false return, or any false statement in any return required by this act, with the intent to evade the payment of any tax hereunder; or for any person to fail or refuse to permit the examination of any book, paper, account, record, or other data by the department or its duly authorized agents, as required by this act; or to fail or refuse to permit the inspection or appraisal of any property by the department or its duly authorized agents, or refuse to offer testimony or produce any record as required in

this act. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00), or imprisoned not exceeding six months in the county jail, or punished by both such fine and imprisonment, at the discretion of the court or jury trying the case, within the limitations aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent to defraud the state or to evade the payment of the tax imposed hereunder shall be guilty of the offense of perjury and, on conviction thereof, shall be punished in the manner provided by law. Any company or association for which a false return, or a return containing a false statement as aforesaid, shall be made, shall be guilty of a misdemeanor, and shall be subject to a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00). No officer or employee of the department of treasury shall be civilly or criminally liable for causing any criminal or civil prosecution provided for under the provisions of this act.

(b) The prosecution of any person or persons guilty of having violated any of the penal provisions hereof may be instituted by the filing of affidavit or indictment in the same manner as other criminal cases are commenced, and the attorney general shall have concurrent jurisdiction with the prosecuting attorney in instituting and prosecuting such actions. The attorney general and/or the prosecuting attorney shall be allowed at all times to appear before the grand jury for the purpose of reporting any violations of this act, or for the purpose of rendering legal advice with respect thereto when required, or for the purpose of interrogating witnesses before the grand jury. When any affidavit charging any person with a violation of any of the penal provisions of this act has been made as provided for by law, either the attorney general or the prosecuting attorney shall approve the same by endorsement, using the words "approved by me" and by signing the same as attorney general or prosecuting attorney.

Section 28. Administration of Act—Director—Deputy Director—Employees—Written Documents to Be Signed by Direc-

tor or Chief Deputy—Department May Decline to Prosecute. (a) The administration of this act is vested in and shall be exercised by the department except as otherwise herein provided. Such administration shall be under the supervision of the Commissioner who shall be appointed by the Governor of the State of Kentucky.

(b) The Commissioner shall hire an administrative assistant and such other deputies as the administration of such department may require. The administrative assistant and the other deputies shall receive such salary as shall be fixed by the state budget committee. The Commissioner and all deputies shall be reimbursed for all expenses incurred incident to the proper performance of the duties of the office.

(c) The Commissioner may appoint, as needed, such agents, clerks, stenographers and other employees as may be necessary to efficiently administer said department, who shall serve under him, shall perform such duties as may be required, not inconsistent with this act, and are hereby authorized to act for the department as the Commissioner may prescribe and as provided herein.

(d) All notices, summons, warrants, waivers, demands, and other written documents except as otherwise provided in section 29, shall be signed by him, or his administrative assistant, and when so signed shall be regarded as the official acts of the department.

(e) In case of violation of the provisions of this act, the department may decline to prosecute for the first offense, if, in the judgment of the Commissioner, such violation is not willful or flagrant.

Section 29. Rules Promulgated by Department—Copies to Be Furnished to Taxpayers—Forms. (a) The Commissioner shall from time to time promulgate in the manner provided by law such rules and regulations not inconsistent with this act, for making returns and for the ascertainment, assessment and collection of the tax imposed hereunder, as he may deem necessary and desirable. Such regulations may also prescribe the qualifications of persons permitted to represent taxpayers before the department in connection with any taxes imposed under the terms of

this act, and may provide for the admission and/or exclusion of such persons.

(b) All forms necessary and proper for the enforcement of this act shall be prescribed, printed and furnished by the department.

(c) Upon request the department shall furnish a copy of the regulations to any person upon the payment of an amount to be determined by the department but not in excess of the cost of printing, binding and mailing such regulations. Provided, however, that a copy shall be furnished free upon request to any official of the government of the State of Kentucky and of other states.

Section 30. Appraisal of Property—Examination of Taxpayer's Records—Subpoenas—Disobedient Witnesses. The department or its authorized agents, is hereby authorized to appraise any property when it is necessary to determine the value of such property in connection with the enforcement of this act. The department or its authorized agents may examine any books, papers, records, or other data bearing upon the correctness of any return, or for the purpose of making a return, as required by this act, where none has been made, and may by the issuance of a subpoena require the attendance of the taxpayer or any other person and take his testimony with respect to any such matter, and may require any such person to produce any books or records specified in such subpoena. The department or its authorized agents shall have power to administer oaths to any such person. The department is further empowered, by its authorized agents, to examine the books and/or records of any broker or other person handling funds for the credit of, or acting as agent for, any person subject to taxation under this act. If any person called as a witness by a subpoena, issued by the department and served upon him by the sheriff of the county of which such person is a resident, or wherein is located the principal office of such person or wherein such records are located or kept, shall fail to obey such subpoena to appear before the department or its authorized agent, or shall refuse to testify or to answer any question, or to produce any book, record, paper or other data when required so to do, such failure or refusal shall be reported to the attorney

general who may thereon institute proceedings by the filing of a petition in the name of the State of Kentucky, on the relation of the department, in the circuit or superior court of the county where such witness resides, or wherein such records are located or kept, to compel the obedience of such witness. Such petition shall set forth the facts and circumstances of the demand for, and refusal or failure to permit the examination or copying of such records or the failure or refusal of such witness to testify in answer to such subpoena or to produce the records so required by such subpoena. Such court, upon the filing and docketing of such petition shall thereupon promptly issue an order to the defendant named in such petition, to produce forthwith in such court or at a place in such county designated in such order, for the examination or copying by the department, or its duly appointed agents, of the records, books or documents so described, and to testify concerning the matters described in such petition. Unless such defendant shall appear in said court upon a date specified in such order, which date shall be not more than ten days from date of issuance of such order, and offer, under oath good and sufficient reasons why such examination or copying should not be permitted, or why such subpoena should not be obeyed, such court shall thereupon deliver, or order the defendant to deliver, to the department, or its agents, for examination or copying, the records, books, and documents so described in said petition and so produced in such court, and shall order said defendant to appear in answer to the subpoena of said department, or its agents, and to testify. Any person, or any officer, member, or agent thereof who shall willfully disobey such order of the court after the same shall have been served upon him, shall be guilty of indirect contempt of such court from which such order shall have issued, and may be adjudged in contempt of said court and punished therefor as provided by law. Officers who serve subpoenas or orders of court, and witnesses attending, shall receive like compensation to be paid from the appropriation for the administration of this act.

Section 31. Validity. If any clause, sentence, proviso, paragraph or part of this act shall for any reason be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this act,

but shall be confined in its operation to the clause, sentence, proviso, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. The General Assembly hereby declared that it would have passed the remaining portions of this act irrespective of the fact that any such clause, sentence, proviso, paragraph or part so declared unconstitutional had not been made a part hereof.

Section 32. This act shall take effect and be in force from and after the first day of July 1954.

Section 33. Persons Subject to Provisions of This Act.—When. No right or power conferred, vested, or accrued by or under any provisions of the first above entitled act prior to the effective date of this act shall be impaired or abrogated by the enactment of this act, nor shall such enactment affect any suits pending, rights of action conferred, or duties, restriction, liabilities, or penalties imposed or required by or under the first above entitled act upon any person. Every person shall, as to all actions hereafter performed, or liabilities hereafter incurred, be subject exclusively to the provisions of this act.

Section 34. Appropriation. There is hereby appropriated to the department of treasury out of any funds available in the general fund not otherwise appropriated, a sufficient sum of money to pay for the printing of 25,000 copies of this amendment and all rules and regulations and the cost of distributing the same.

Section 35. All the sections of Chapter 141 from Kentucky Revised Statutes 141.010 through and including 141.990 are hereby repealed.

Section 36. Chapter 140 of the Kentucky Revised Statutes including sections 140.010 through 140.990 are hereby repealed.

Section 37. Section 132.020 of the Kentucky Revised Statutes is hereby amended to read as follows:

"State Ad Valorem Taxes. An annual ad valorem tax for state purposes of 5c upon each $100 of value of all real property directed to be assessed for taxation."

Section 38. Sections 132.050, 132.215, 132.240, 132.320 and

132.360 of the Kentucky Revised Statutes are hereby repealed. A new section of the Kentucky Revised Statutes is created as follows:

Estate Taxes. There is hereby levied for state general fund purposes a tax equal to the credit allowed for state taxes under the provisions of the Federal Estate Tax Laws on all property considered to have a legal situs in Kentucky as recognized by the Federal Estate Tax Laws. Such tax is payable to the Treasurer of the State of Kentucky within fifteen months after death of a decedent. Such law shall be administered by the Department of Revenue which shall prescribe forms and regulations for filing this return.

Section 39. Sections 136.240 of the Kentucky Revised Statutes is amended to read as follows:

Utilities gross receipts tax; rate; collection; exemptions. (1) Subject to the exceptions contained in subsection (2) of this section, and except as provided in KRS 279.200, an excise tax is hereby imposed on the sale of electric current, water, artificial, natural or mixed gas, and on furnishing the ways or means for the transmission of the voice or of messages between persons in this state, other than those transmitted by United States Mail, equal to one percent of the agregate gross receipts of the persons engaged in such businesses. Every such person shall collect the tax from the purchaser and account to the state for the tax in the manner provided by KRS 136.250.

(2) No tax is imposed upon the transmission of the voice or messages for, or upon sales of electric current, water, artificial, natural or mixed gas to, the United States, this state, any city or other political subdivision of this state, or any charitable, religious or educational institution in this state. No tax is imposed upon sales of electric current, water, artificial, natural or mixed gas for the purpose of resale, nor upon the sale of electric current or artificial or natural gas for use in manufacturing, processing, mining or refining. Sales of electric current, water, artificial, natural or mixed gas in interstate commerce are specifically excluded from the provisions of this section.

Section 40. Section 1. Subsection (1) of Section 138.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) A tax shall be paid on the sale of cigarettes made of tobacco, or any substitute for tobacco, at the rate of two cents on each twenty cigarettes or fraction thereof. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

Section 2. Section 138.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Cigarette tax stamps shall be purchased only from the Department of Revenue. The department may prescribe rules and regulations governing their sale and distribution.

(2) The department shall prescribe the forms of the cigarette tax stamps, and shall have the stamps prepared for sale in such a manner as it deems proper.

(3) The stamps shall be sold at their face value but the department shall allow each wholesaler required or authorized by the department to purchase and affix stamps, for each two dollars' worth of stamps purchased at their face value and affixed by the wholesaler, an amount of stamps equal to twenty cents at their face value as compensation for affixing the stamps and making such reports as the department may require. This allowance shall be made only when the department is satisfied that the stamps purchased were actually used as provided by the department and the required reports were made.

The new section of Kentucky Revised Statutes created by House Bill No. 19 is hereby repealed.

Section 41. Section 1. Section 138.510 of the Kentucky Revised Statutes is amended to read as follows:

"An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to three percent of so much of the total amount of all money deposited daily in pari-mutuel pools or similar pools. Pari-mutuel pools or simlar pools include any pool, such as a daily double pool, even though tickets sold for such a pool are not vended by a

mechanical or electrical device nor the totals of such a pool computed and determined by a totalizator."

Section 42. Section 1. Subsections (2) and (3) of Section 243.720 of the Kentucky Revised Statutes are amended to read as follows:

(2) There is levied upon the use, sale or distribution by sale or gift of wine, a tax of twenty-five cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one gallon, but in no event shall the tax be less than four cents on the sale or distribution of any retail container of wine.

(3) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $1.50 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

The new section of Kentucky Revised Statutes created by House Bill No. 17 is hereby repealed.

Section 43. Sections 138.450 and 138.460 of the Kentucky Revised Statutes are hereby repealed.

Section 44. Section 186.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

Registration Fees. (1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $9.00.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee, except as provided in subsections (4) through (8), shall be as follows:

Gross Weight	Registration Fee
0- 5000	$ 10.00
5001- 8000	22.00
8001-10000	25.00
10001-12000	29.00
12001-14000	32.00
14001-16000	36.00
16001-18000	40.00
18001-21000	45.00
21001-24000	50.00
24001-27000	59.00
27001-30000	71.00
30001-33000	85.00
33001-36000	101.00
36001-39000	123.00
39001-42000	150.00

The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.

(4) Any farmer owning a truck having a gross weight of 22,000 pounds or less may have it registered as a farmer's truck and obtain a license for $9.00 by filing with the county clerk. in addition to other information required, an affidavit, stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $9.00 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused

to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $9.00 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $9.00 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(8) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wreck-service has been permanently mounted may register the vehicle and obtain a license for $14.00 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

Section 45. Sections 243.680, 243.685, 243.690, 243,700, 243.705, 243.706 and 243.707 of the Kentucky Revised Statutes are hereby repealed.

By Mr. Lovelace.

H. B. No. 417. AN ACT changing the classification of the City of LaCenter, in Ballard County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of La Center, in Ballard County, is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of La Center, in Ballard County, is transferred from the sixth to the fifth class of cities.

By Mr. McCallum.

H. B. No. 418. AN ACT relating to actions for libel, or slander and amending Section 411.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 411.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any action for damages arising out of the publication of an allegedly defamatory statement in a newspaper, or on a radiocast or telecast, the plaintiff shall be entitled to recover only special damages unless he alleges and proves that he has made sufficient demand for correction and that the newspaper, radio or television station has failed and refused to make conspicuous and timely publication of such correction.

(2) As used in this Act, a "sufficient demand for correction" is a demand for correction in writing, signed by the party aggrieved or his duly authorized attorney or agent, which sets forth the statement claimed to be false or defamatory, states wherein such statement is false and the true facts, and which is delivered

to the party complained of at least ten days prior to the commencement of any action.

(3) As used in this Act a "correction" means: (a) the publication by the party complained of of an acknowledgment that the statement alleged to be false and defamatory in the demand for correction is erroneous, or (b) the publication by the person complained of that the aggrieved party's statement of the true facts, as set forth in his demand for correction, or a fair summary thereof.

(4) As used in this Act, a "conspicuous publication," in a newspaper or on broadcast or telecast, means publication of the correction in substantially, the same manner as that in which the statement complained of was made. Publication of the correction in a manner acceptable to the aggrieved party shall be considered a "conspicuous publication."

(5) As used in this Act, "timely publication" means publication in a daily newspaper or on a radiocast or telecast within three business days after the day on which sufficient demand for correction is received by the party complained of. "Timely publication," in a newspaper other than a daily newspaper means publication in or prior to the next regular issue which is published not less than three business days after the day on which sufficient demand for correction is received by the party complained of. A business day is any day other than Sunday or a legal holiday. Publication in a particular issue on a particular day which is agreeable to the aggrieved party shall be considered "timely publication."

(6) As used in this Act, "special damages" means pecuniary damage to his property, business, trade, profession, or occupation alleged and proved to have been sustained by the aggrieved party as a direct and proximate result of publication by the party complained of of the false or defamatory statement.

Section 2. If, in any action for damages resulting from the publication of a defamatory statement on a radiocast or telecast, the defendant proves that said defamatory statement was uttered by one other than the owner, licensee or operator of the broadcasting or telecasting station, or his agent or employe, the action shall be dismissed unless the plaintiff alleges and proves that

such owner, licensee or operator or his agent or employe failed to exercise due care to prevent the publication. In no event shall any owner, operator or licensee of a broadcasting or telecasting station or his agent or employe be liable for damages for the utterance of a defamatory statement over such station by any person speaking as a legally qualified candidate for public office.

By Mr. McCallum.

H. B. No. 419. AN ACT relating to rates and services of public utilities, and amending subsection (1) of Section 278.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 278.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) No utility shall, as to rates or service, give any unreasonable preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage, or establish or maintain any unreasonable difference between localities or between classes of service for doing a like and contemporaneous service under the same or substantially the same conditions. Rates for intrastate telephone service shall not exceed by more than ten percent the rates for interstate service for like and contemporaneous service under the same or substantially the same conditions.

By Mrs. Stovall.

H. B. No. 420. AN ACT relating to wages and hours and amending KRS 337.210, 337.220 and 337.240.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in Chapter 337 of the Kentucky Revised Statutes, unless the context requires otherwise, a "minimum fair

wage" means a wage of not less than 50 cents an hour except as otherwise established in accordance with the provisions of the Chapter.

Section 2. KRS 337.210 is amended to read as follows:

Any contract for employment of any man, woman or minor in this state at an oppressive and unreasonable wage is void as against public policy.

Section 3. KRS 337.220 is amended to read as follows:

Upon the petition of fifty or more residents of this state the commissioner or his authorized representative shall make an investigation of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of them are receiving oppressive and unreasonable wages. If, on the basis of information in the possession of the commissioner, with or without a special investigation, he believes that an essential number of them are receiving oppressive and unreasonable wages he shall request the Governor to appoint a wage board upon the establishment of minimum fair rates for such women or minors. In no case shall there be established minimum fair wage rates of less than 50 cents an hour for any occupation.

Section 4. KRS 337.240 is amended to read as follows:

(1) A wage board appointed by the Governor shall be composed of three disinterested persons representing the public, one of whom shall be designated chairman, three persons representing employers in the occupation and three persons representing the employes in the occupation. The representatives of employers and employes shall be appointed, as far as practicable, from nominations submitted by employers and employes in the occupation. Two-thirds of the members shall constitute a quorum, and the recommendations or report of the board shall require a vote of a majority of all members present. The commissioner from time to time shall establish regulations not inconsistent with this section, governing the mode of procedure.

(2) A wage board may administer oaths and require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any

matters under investigation. Such subpoena shall be signed and issued by the chairman of the wage board, and shall be served and have the same effect as if issued out of the circuit court. A wage board may cause depositions of witnesses residing within or without this state to be taken in the manner prescribed for like depositions in civil actions in the circuit court.

(3) The commissioner shall present to a wage board promptly upon its organization all the evidence and information in his possession relating to the wages of women or minor workers in the occupation for which the wage board was appointed, and all other information which the commissioner deems relevant to the establishment of a minimum fair wage for such women and minors, and shall cause to be brought before the board any witnesses he deems material. A wage board may summon other witnesses or call upon the commissioner to furnish additional information to aid it in its deliberations.

(4) Within sixty days of its organization a wage board shall submit a report including its recommendations as a minimum fair-wage standard for the women and minors in the occupation, the wage standards of which it was appointed to investigate. If its report is not submitted within sixty days the commissioner may request the Governor to appoint a new wage board.

(5) A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair-wage rates for different classes of employment. A wage board may also recommend minimum fair-wage rates varying with localities if in its judgment conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality.

(6) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation. This scale may be less than the regular minimum fair wage rates recommended for experienced men, women or minor workers in that occupation.

(7) In addition to its wage report, a wage board may separately recommend any administrative regulations it considers

appropriate to safeguard the minimum fair-wage standards recommended in its report.

COMMITTEE REPORTS

Mr. George F. Harris, Chairman of the Committee on Appropriations, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 139. AN ACT relating to rabies and dog control and livestock and dog protection, with provisions making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in Sections 1 to 11 of this Act, unless the context requires otherwise:

(1) "Dog" means any member of the canine family, six months of age or over;

(2) "Owner", when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(3) "Veterinarian" means a licensed practitioner of veterinary medicine, accredited by the Bureau of Animal Industry, United States Department of Agriculture;

(4) "Qualified person" means a person granted a permit by the State Board of Health to vaccinate animals against rabies; and may include owners or operators of licensed kennels;

(5) "Vaccination" means the injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with the regulations of the State Board of Health.

Section 2. On or before the first of July, 1954, and of each year thereafter, every owner shall have his dog vaccinated against rabies. The veterinarian or qualified person who vaccinates a dog shall issue to the owner thereof a vaccination cer-

tificate on a form prescribed and supplied by the State Department of Health. The vaccination certificate shall be prepared and issued in triplicate, one copy to be retained by the issuing veterinarian or other qualified person, one copy to be given to the owner of the dog vaccinated, and one copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the State Department of Health. Each certificate shall bear the name and address of the veterinarian or qualified person who issued it and a serial number. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag may bear the name of the veterinarian or qualified person issuing it. It shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog.

Section 3. The State Board of Health, in its sound discretion may by such rules and regulations as it deems advisable:

(1) Exempt from the provisions of Section 2 of this Act the owners of dogs in any county or counties in which the incidence of rabies decreases sufficiently to warrant this action;

(2) Extend the period required for re-vaccination if a vaccine is developed which will give longer periods of immunity;

(3) Exempt from the provisions of Section 2 of this Act the owners of dogs which are brought into this state for a period not to exceed thirty days.

Section 4. Any owner who has had his dog vaccinated against rabies in another state by the proper authority therein shall not be required to have such dog re-vaccinated when brought into this state provided the requirements of such state under which the vaccination was made were of a standard not lower than those required in this state and provided further that such dog wears a tag affixed to his collar or harness bearing the date of such vaccination. One year after the date of such vaccination such dog must be re-vaccinated unless provided otherwise by the rules and regulations of the State Board of Health. The State Board of Health may make rules and regulations governing the matter of reciprocity with other states.

Section 5. The State Department of Health may contract with veterinarians to vaccinate dogs or animals at scheduled mass immunization clinics at fees not in excess of one dollar and fifty cents per animal vaccinated, to be paid by the owner to the State Department of Health; provided, however, that if the services of veterinarians are not available the State Department of Health may contract with other qualified persons. Fees so collected shall be paid into the State Treasury and credited to a trust and agency fund to be used in defraying the costs and expenses of administering this Act.

Section 6. Whenever a local board of health has reason to believe or has been notified by the State Department of Health that there is danger that rabies may spread within the county or any portion thereof, the board shall publish a notice requiring owners of dogs, or other specified animals in the area designated to confine the animals for such periods as may be necessary to prevent the spread of rabies. If it is deemed advisable in the interest of public health the local board of health shall order all dogs in the area re-vaccinated against rabies and if the local board fails or neglects to do so, the State Department of Health may order the re-vaccination of all dogs or other animals in the area except animals that have been previously vaccinated within the past six months under the provisions of this Act. The State Department of Health may aid the local health department in the execution of such emergency vaccinations.

Section 7. Every physician shall, within twelve hours after his first professional attendance of a person bitten by a dog, cat or other animal report to the local health department the name, age, sex, color, and precise location of the person so bitten. If a child is bitten and no physician attends, the report shall be made by his parents or guardian. If an adult is bitten and no physician attends, he or the person caring for him shall make the report.

Section 8. The State Board of Health may administer the provisions of this Act through the local health departments and may make such rules and regulations and employ such personnel as are necessary to effectuate the purposes of this Act.

Section 9. A health officer or his agent shall have the

authority to quarantine for a period not to exceed ninety days any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed fourteen days any animal which has bitten a human being or which exhibits symptoms of rabies. An animal so quarantined may be confined by the health officer at a designated place at the owner's expense. Whenever a dog dies with rabies or is suspected of having died with rabies or is destroyed because of having been suspected of being rabid, the owner thereof, whether the dog had been previously quarantined or not, shall at his own expense send the head of such dog to a laboratory approved by the State Board of Health in the manner prescribed by the rules and regulations of the State Board of Health.

Section 10. There is hereby appropriated to the State Department of Health, out of the General Expenditure Fund in the State Treasury, the sum of thirty thousand dollars to be credited to a trust and agency fund for the purpose of carrying out the provisions of this Act.

Section 11. (1) Any person who violates Sections 2, 4, 6, 7 or 9 of this Act shall be fined not less than ten dollars nor more than one hundred dollars. Each day of violation shall constitute a separate offense.

(2) The owner of any dog not vaccinated according to the provisions of this Act shall be liable to pay all damages for personal injuries resulting from the bite of such dog, if rabid.

Section 12. As used in Sections 12 to 41 of this Act, unless the context requires otherwise:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Committee" means the advisory committee created by Section 14 of this Act;

(4) "Dog" means any member of the canine family, six months of age or over;

(5) "Owner," when applied to the proprietorship of a dog,

includes every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(6) "Livestock" includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits;

(7) "Poultry" includes all domesticated fowl and all game birds which are legally kept in captivity;

(8) "Kennel" means any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom;

(9) "Livestock fund" means the fund created by Section 15 of this Act for the purpose of administering its provisions.

Section 13. (1) The Commissioner shall enforce the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. The commissioner may enter into agreements with local agencies and organizations for assistance in the enforcement of this Act. The commissioner shall promulgate rules and regulations for the enforcement of the licensing provisions of this Act.

(2) The department may employ personnel to carry out the provisions of this Act. Such employes shall have all of the powers of peace officers in the enforcement of Sections 12 to 41 of this Act and may, upon displaying a badge of identification furnished by the Department, enter upon any premises for the purpose of investigation.

Section 14. There shall be an advisory committee for the purpose of advising the commissioner in the enforcement of the provisions of Sections 12 to 41 of this Act. The committee shall be composed of the commissioner, or his designate, and four members appointed by the Governor as follows: one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association, one from a list of three persons nominated by Kennel Clubs of Kentucky and one

from a list of three persons nominated by the Kentucky Veterinary Medical Association. If an organization herein named should cease to exist, or, for any other reason fail to make nominations, the Governor shall name another non-governmental but interested organization to nominate three persons. The appointed members shall serve for terms of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and place as he may designate. Four members present at any meeting shall constitute a quorum. Upon the written request of any three members, the chairman shall call a meeting of the committee at the time and place requested. Members who are not employed by the state shall receive fifteen dollars per day, payable from the Livestock Fund, for attendance at meetings and shall be reimbursed for any actual expense incurred in performing their duties. The committee shall be non-partisan, not more than three of the appointed members being affiliated with any one political party.

Section 15. There is hereby created a revolving fund to be known as the Livestock Fund from which shall be paid all expenses of the department in administering the provisions of Sections 12 to 41 of this Act. Expenditures from the fund shall not exceed two hundred thousand dollars in any fiscal year without the approval of the committee. On January 1, 1957, and on January 1 of each year thereafter, all money in the Livestock Fund in excess of two hundred thousand dollars shall revert to the General Expenditure Fund.

Section 16. On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the dog warden of the county in which he resides for a license for each dog owned or kept by him. The application shall be accompanied by a license fee of one dollar and fifty cents for each dog. Any license issued for the year of 1954 before July 1, 1954, shall be effective until July 1, 1955. Dog wardens shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless the department determines, with the approval of the Governor, to issue all licenses either directly or through other agents. For services rendered in collecting and paying over the same, dog wardens shall be allowed to retain the sum of twenty-five cents for each

license. The balance of the license fee collected shall be paid to the department on or before the 15th day of each next succeeding month and shall be credited to the Livestock Fund. If the committee finds it to be in the interest of maximum enforcement of this Act to permit certain other portions of the license fee to be retained by the respective counties for use in such enforcement, the department may allow such portions of the license fee to be so retained by the counties.

Section 17. (1) A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the department and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost a duplicate shall be issued at a charge determined by the department. The department may, if the committee deems such a plan practical, arrange for the tattooing of dogs under a system whereby tattoo marks shall serve as proof of licensing in the event a tag is lost or is removed for good reason by a dog owner or keeper, but such tattooing shall be done only upon the request of the owner or keeper.

(2) The tag shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(3) No license or tag issued for one dog shall be transferable to another dog except as provided in Section 19 of this Act.

(4) Except when a tattoo is used, any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 18. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and the owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 19. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 15 of this Act, apply to the dog warden for a kennel license entitling him to keep or operate a kennel. Such application shall be accompanied by a license fee of ten dollars for each license to keep ten dogs or less and fifteen dollars for each license to keep more than ten dogs. Such license fees shall be collected, paid to the department, and credited to the Livestock Fund in the same manner as the regular dog license fees.

(2) A kennel license shall be issued on a form prescribed and supplied by the department.

(3) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the department equal to the number of dogs authorized to be kept in the kennel.

(4) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 20. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this section shall be considered as if never licensed.

Section 21. Each dog warden shall keep a record of all dog and kennel licenses issued and shall report to the department monthly his license sales on a form prescribed and supplied by the department. The record maintained shall be a public record.

Section 22. (1) On or before July 1, 1954, the fiscal court of each county shall employ a dog warden. On or before July 1, 1955, the fiscal court of each county shall establish and maintain a dog pound as a means of facilitating and administration of this Act. In counties of small population, arrangements may be made for the joint establishment and operation of dog pounds by two or more counties on a mutually satisfactory basis. Instead of setting up pounds, one or more counties acting jointly may take

advantage of the facilities of suitable pounds already in operation by counties, cities, humane societies, or other organizations or individuals. Fiscal courts may adopt and enforce regulations relative to pound standards, the naming of persons who shall serve as dog wardens, providing for the fixing of salaries of wardens and assistants, and such other matters that may be incidental to efficient and proper operation of the dog pound plan.

(2) As a means of providing a portion of the funds for setting up and operating dog pounds, fifty cents out of the one dollar and fifty cents paid for every dog license sold in each county shall be credited by the department to a special enforcement fund to be refunded to the respective counties on a pro-rata basis determined by the licenses sold in each county, and shall be used in meeting expenses of the dog warden and the dog pound plan.

(3) Dog wardens may be designated as agents of the department for purposes of appraising livestock losses pursuant to Section 30 of this Act.

Section 23. (1) Any person may bring, or cause to be brought into the state, for a period of not more than ninety days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the states of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 24. (1) Any peace officer may seize and detain any dog which bears a proper license tag and which is found

running at large, either upon the public streets or highways of the Commonwealth, or upon the property of a person other than the owner of such dog, and unaccompanied by the owner or keeper. Any peace officer may go upon any premises to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such officer is in any immediate pursuit of any such dog. The officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within seven days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after seven days from the giving of such notice, the dog has not been claimed, the officer shall dispose of such dog by sale or destruction in some humane manner. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the department and credited to the Livestock Fund.

(2) Peace officers shall seize and impound any dog which does not bear a proper license tag or other legible identification which is found running at large, but if an officer, after diligent effort to do so, should fail to seize such a dog it shall then become his duty to destroy the dog by any reasonable and humane means. Any such dog which an officer seizes shall be impounded for three days, and if not claimed by the owner or sold in accordance with other provisions of this Act, then such dog may be destroyed in some humane manner.

Section 25. (1) It shall be unlawful for any peace officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 26. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings,

whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding, or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a justice of the peace, or judge of any police or quarterly court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person fails to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the court finds the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the peace officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings, under this section, such court shall place the costs upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash.

Any such dog found running at large may be killed by any peace officer without liability for damages for such killings.

Section 27. (1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 26 of this Act, it shall be unlawful for any person, except a peace officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog button or any poison of any description in any place, on his own premises or elsewhere where it may be easily found and eaten by dogs.

Section 28. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 29. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog:

(a) Confined within an inclosure from which it cannot escape, or

(b) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or

(c) Under the reasonable control of some person or, when engaged in lawful hunting accompanied by an owner or handler. A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

(2) Any peace officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler. However, a peace officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large between sunset and sunrise is a hound or other hunting dog which has become lost temporarily from a pack or wandered from immediate control of its owner, or handler, and if he is reasonably sure that the dog is a hunting dog, then he shall not destroy the dog, unless it is found in the act of pursuing, worrying, or wounding livestock or wounding, killing poultry or attacking human beings.

Section 30. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry in a civil action for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount

of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damages sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at seven cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 31. (1) Upon receipt by the department of the appraisal report, the commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceeding, to the Commissioner of Finance who shall draw a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The Commonwealth shall succeed to all rights and interests of the owner of livestock or poultry which have been killed or injured by dogs to the extent of any payment made out of the Livestock Fund.

Section 32. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the Commonwealth for any livestock or poultry killed or injured by a dog, such payment shall not exceed one hundred dollars for each horse or mule; one hundred and twenty-five dollars for each head of registered cattle; one hundred dollars for each head of unregistered cattle; twenty dollars for each head of unregistered swine, sheep, or goats; forty dollars for each head of registered swine, sheep, or goats; three dollars for each full-grown goose; five dollars for each full-grown turkey; and one dollar for each head of other poultry or domesticated hare or rabbit. All appraisals under this Act shall be of the actual value of the livestock, including poultry, killed or injured.

Section 33. Owners of licensed dogs which are killed by

any peace officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceeding for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Section 30 and 31 of this Act, except that no claim shall exceed one hundred dollars.

Section 34. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of KRS 258.010 to 258.490 and KRS 258.990, and any such claims which may accrue prior to July 1, 1954, shall not abate by reason of the repeal of such sections but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available funds, of the proper counties, and for such purpose the provisions of said sections are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1955, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order of their presentation; provided, however, that no such claims presented after December 31, 1956, shall be so paid.

Section 35. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if written complaint is filed with the commissioner by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the department, the commissioner may notify the owner or keeper of such dog to immediately destroy the same, whereupon it shall be unlawful and a violation of this Act for such owner, or keeper to permit or cause such dog, while alive, to leave or to be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any peace officer, upon notice from the department, shall destroy such dog wherever found. For such service he

shall be entitled to a fee of one dollar for each dog destroyed, to be paid out of the Livestock Fund upon presentation to the department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 36. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 37. (1) When the inhabitants of any city, or county, or any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the department may, through its authorized agents, have an investigation made of the facts alleged therein, and, if convinced that conditions in such city, county, or such designated area demand such stringent measures, may establish a dog quarantine therein.

(2) When such a quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or handler.

(4) Any peace officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 38. Notwithstanding any of the provisions of this Act, the Commonwealth of Kentucky shall not be liable for any

loss, injury to, or destruction of livestock, poultry, or licensed dog under any of the terms or provisions of this Act except as to such claims arising after June 30, 1955, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to or damage of livestock, poultry, or licensed dog must happen or occur after June 30, 1955.

Section 39. Nothing in this Act shall be construed to prohibit or limit the right of any city to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations, made in accordance with the provisions of any local or state health law.

Section 40. (1) Any person violating or failing or refusing to comply with Sections 12 to 41 of this Act shall, upon conviction, be fined not less than five dollars and not more than one hundred dollars or be imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under subsection (1) of this Section shall after costs and commissions have been deducted, be paid to the department to be credited to the Livestock Fund.

Section 41. Sections 258.010 to 258.490 and subsections (1) to (4) of Section 258.990 are hereby repealed.

With Committee Amendment by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in Sections 1 to 11 of this Act, unless the context requires otherwise:

(1) "Dog" means any member of the canine family, six months of age or over;

(2) "Owner", when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(3) "Veterinarian" means a licensed practitioner of veterinary medicine, accredited by the Bureau of Animal Industry, United States Department of Agriculture;

(4) "Qualified person" means a person granted a permit by the State Board of Health to vaccinate animals against rabies; and may include owners or operators of licensed kennels;

(5) "Vaccination" means the injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with the regulations of the State Board of Health.

Section 2. On or before the first of July 1954 and of each year thereafter, every owner shall have his dog vaccinated against rabies. The veterinarian or qualified person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the State Department of Health. The vaccination certificate shall be prepared and issued in triplicate, one copy to be retained by the issuing veterinarian or other qualified person, one copy to be given to the owner of the dog vaccinated, and one copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the State Department of Health. Each certificate shall bear the name and address of the veterinarian or qualified person who issued it and a serial number. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag may bear the name of the veterinarian or qualified person issuing it. It shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog.

Section 3. The State Board of Health, in its sound discretion may by such rules and regulations as it deems advisable:

(1) Exempt from the provisions of Section 2 of this Act the owners of dogs in any county or counties in which the incidence of rabies decreases sufficiently to warrant this action;

(2) Extend the period required for re-vaccination if a vaccine is developed which will give longer periods of immunity;

(3) Exempt from the provisions of Section 2 of this Act the owners of dogs which are brought into this state for a period not to exceed thirty days.

Section 4. Any owner who has had his dog vaccinated against rabies in another state by the proper authority therein shall not be required to have such dog re-vaccinated when brought into this state provided the requirements of such state under which the vaccination was made were of a standard not lower than those required in this state and provided further that such dog wears a tag affixed to his collar or harness bearing the date of such vaccination. One year after the date of such vaccination such dog must be re-vaccinated unless provided otherwise by the rules and regulations of the State Board of Health. The State Board of Health may make rules and regulations governing the matter of reciprocity with other states.

Section 5. The State Department of Health may contract with veterinarians to vaccinate dogs or animals at scheduled mass immunization clinics at fees not in excess of two dollars per animal vaccinated, to be paid by the owner to the State Department of Health; provided, however, that if the services of veterinarians are not available the State Department of Health may contract with other qualified persons. Fees so collected shall be paid into the State Treasury and credited to a trust and agency fund to be used in defraying the costs and expenses of administering this Act.

Section 6. Whenever a local board of health has reason to believe or has been notified by the State Department of Health that there is danger that rabies may spread within the county or any portion thereof, the board shall publish a notice requiring owners of dogs, or other specified animals in the area designated

to confine the animals for such periods as may be necessary to prevent the spread of rabies. If it is deemed advisable in the interest of public health the local board of health shall order all dogs in the area re-vaccinated against rabies and if the local board fails or neglects to do so, the State Department of Health may order the re-vaccination of all dogs or other animals in the area except animals that have been previously vaccinated within the past six months under the provisions of this Act. The State Department of Health may aid the local health department in the execution of such emergency vaccinations.

Section 7. Every physician shall, within twelve hours after his first professional attendance of a person bitten by a dog, cat or other animal, report to the local health department the name, age, sex, color, and precise location of the person so bitten. If a child is bitten and no physician attends, the report shall be made by his parents or guardian. If an adult is bitten and no physician attends, he or the person caring for him shall make the report.

Section 8. The State Board of Health may administer the provisions of this Act through the local health departments and may make such rules and regulations and employ such personnel as are necessary to effectuate the purposes of this Act.

Section 9. A health officer or his agent shall have the authority to quarantine for a period not to exceed ninety days any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed fourteen days any animal which has bitten a human being or which exhibits symptoms of rabies. An animal so quarantined may be confined by the health officer at a designated place at the owner's expense. Whenever a dog dies with rabies or is suspected of having died with rabies or is destroyed because of having been suspected of being rabid, the owner thereof, whether the dog had been previously quarantined or not, shall at his own expense send the head of such dog to a laboratory approved by the State Board of Health in the manner prescribed by the rules and regulations of the State Board of Health.

Section 10. There is hereby appropriated to the State Department of Health, out of the General Expenditnre Fund in the State Treasury, the sum of thirty thousand dollars to be credited

to a trust and agency fund for the purpose of carrying out the provisions of this Act.

Section 11. (1) Any person who violates Sections 2, 4, 6, 7 or 9 of this Act shall be fined not less than ten dollars nor more than one hundred dollars. Each day of violation shall constitute a separate offense.

(2) The owner of any dog not vaccinated according to the provisions of this Act shall be liable to pay all damages for personal injuries resulting from the bite of such dog, if rabid.

Section 12. As used in Sections 12 to 41 of this Act, unless the context requires otherwise:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Committee" means the advisory committee created by Section 14 of this Act;

(4) "Dog" means any member of the canine family, six months of age or over;

(5) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(6) "Livestock" includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifer, cows, calves, mules, packs, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits;

(7) "Poultry" includes all domesticated fowl and all game birds which are legally kept in captivity;

(8) "Kennel" means any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom;

(9) "Livestock fund" means the fund created by Section 15 of this Act for the purpose of administering its provisions.

Section 13. (1) The commissioner shall enforce the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. The commissioner may enter into agreements with local agencies and organizations for assistance in the enforcement of this Act. The commissioner shall promulagte rules and regulations for the enforcement of the licensing provisions of this Act.

(2) The department may employ personnel to carry out the provisions of this Act. Such employes shall have all of the powers of peace officers in the enforcement of Sections 12 to 41 of this Act and may, upon displaying a badge of identification furnished by the Department, enter upon any premises for the purpose of investigation.

Section 14. There shall be an advisory committee for the purpose of advising the commissioner in the enforcement of the provisions of Sections 12 to 41 of this Act. The committee shall be composed of the commissioner, or his designate, and five members appointed by the Governor as follows: one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association, one from a list of three persons nominated by Kennel Clubs of Kentucky and one from a list of three persons nominated by the Kentucky Veterinary Medical Association. If an organization herein named should cease to exist, or, for any other reason fail to make nominations, the Governor shall name another non-governmental but interested organization to nominate three persons. The appointed members shall serve for terms of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and place as he may designate. Four members present at any meeting shall constitute a quorum. Upon the written request of any three members, the chairman shall call a meeting of the committee at the time and place requested. Members who are not employed by the state shall receive fifteen dollars per day, payable from the livestock fund, for attendance at meetings and shall be reimbursed for any

actual expense incurred in performing their duties. The committee shall be nonpartisan, not more than three of the appointed members being affiliated with any one political party.

Section 15. There is hereby created a revolving fund to be known as the Livestock Fund from which shall be paid all expenses of the department in administering the provisions of Sections 12 to 41 of this Act. Expenditures from the fund shall not exceed two hundred thousand dollars in any fiscal year without the approval of the committee. On January 1, 1957, and on January 1 of each year thereafter, all money in the Livestock Fund in excess of two hundred thousand dollars shall revert to the General Expenditure Fund.

Section 16. On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the dog warden of the county in which he resides for a license for each such dog owned or kept by him. The application shall be accompanied by a license fee of two dollars for each dog. Any license issued for the year of 1954 before July 1, 1954, shall be effective until July 1, 1955. Dog wardens shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless the department determines, with the approval of the Governor, to issue all licenses either directly or through other agents. For services rendered in collecting and paying over the same, dog wardens shall be allowed to retain the sum of twenty-five cents for each license. The balance of the license fee collected shall be paid to the department on or before the 15th day of each next succeeding month and shall be credited to the Livestock Fund. If the committee finds it to be in the interest of maximum enforcement of this Act to permit certain other portions of the license fee to be retained by the respective counties for use in such enforcement, the department may allow such portions of the license fee to be so retained by the counties.

Section 17. (1) A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the department and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and

supplied by the department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost a duplicate shall be issued at a charge determined by the department. The department may, if the committee deems such a plan practical, arrange for the tattooing of dogs under a system whereby tattoo marks shall serve as proof of licensing in the event a tag is lost or is removed for good reason by a dog owner or keeper, but such tattooing shall be done only upon the request of the owner or keeper.

(2) The tag shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(3) No license or tag issued for one dog shall be transferable to another dog except as provided in Section 19 of this Act.

(4) Except when a tattoo is used, any dog not bearing a tag shall be prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 18. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and the owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 19. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 15 of this Act, apply to the dog warden for a kennel license entitling him to keep or operate a kennel. Such application shall be accompanied by a license fee of ten dollars for each license to keep ten dogs or less and fifteen dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the department, and credited to the Livestock Fund in the same manner as the regular dog license fees.

(2) A kennel license shall be issued on a form prescribed and supplied by the department.

(3) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the department equal to the number of dogs authorized to be kept in the kennel.

(4) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 20. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this section shall be considered as if never licensed.

Section 21. Each dog warden shall keep a record of all dog and kennel licenses issued and shall report to the department monthly his license sales on a form prescribed and supplied by the department. The record maintained shall be a public record.

Section 22. (1) On or before July 1, 1955, the fiscal court of each county shall establish and maintain a dog pound and shall employ a dog warden as a means of facilitating the administration of this Act. In counties of small population, arrangements may be made for the joint establishment and operation of dog pounds by two or more counties on a mutually satisfactory basis. Instead of setting up pounds, one or more counties acting jointly may take advantage of the facilities of suitable pounds already in operation by counties, cities, humane societies, or other organizations or individuals. Fiscal courts may adopt and enforce regulations relative to pound standards, the naming of persons who shall serve as dog wardens, providing for the fixing of salaries of wardens and assistants, and such other matters that may be incidental to efficient and proper operation of the dog pound plan.

(2) As a means of providing a portion of the funds for setting up and operating dog pounds, seventy-five cents out of the two dollars paid for every dog license sold in each county shall be credited by the department to a special enforcement fund to

be refunded to the respective counties on a pro-rata basis determined by the licenses sold in each county, and shall be used in meeting expenses of the dog warden and the dog pound plan.

(3) Dog wardens may be designated as agents of the department for purposes of appraising livestock losses pursuant to Section 30 of this Act.

Section 23. (1) Any person may bring, or cause to be brought into the state, for a period of not more than ninety days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the states of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 24. (1) Any peace officer may seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of a person other than the owner of such dog, and unaccompanied by the owner or keeper. Any peace officer may go upon any premises to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such officer is in any immediate pursuit of any such dog. The officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within seven days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after

seven days from the giving of such notice, the dog has not been claimed, the officer shall dispose of such dog by sale or by destruction in some humane manner. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the department and credited to the Livestock Fund.

(2) Peace officers shall seize and impound any dog which does not bear a proper license tag or other legible identification which is found running at large, but if an officer, after diligent effort to do so, should fail to seize such a dog, it shall then become his duty to destroy the dog by any reasonable and humane means. Any such dog which an officer seizes shall be impounded for three days, and if not claimed by the owner or sold in accordance with other provisions of this Act, then such dog may be destroyed in some humane manner.

Section 25. (1) It shall be unlawful for any peace officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 26. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding, or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a justice of the peace, or judge of any police or quarterly court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person fails to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the court finds the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the peace officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the costs upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any peace officer without liability for damages for such killings.

Section 27. (1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 26 of this Act, it shall be unlawful for any person, except a peace officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog button or any poison of any description in any place, on his own premises or elsewhere where it may be easily found and eaten by dogs.

Section 28. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such

owner or keeper at any time she is in heat, unless she is properly in leash.

Section 29. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog:

(a) Confined within an enclosure from which it cannot escape, or

(b) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or

(c) Under the reasonable control of some person or, when engaged in lawful hunting accompanied by an owner or handler. A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

(2) Any peace officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler. However, a peace officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large between sunset and sunrise is a hound or other hunting dog which has become lost temporily from a pack or wandered from immediate control of its owner, or handler, and if he is reasonably sure that the dog is a hunting dog, then he shall not destroy the dog, unless it is found in the act of pursuing, worrying, or wounding livestock or wounding, killing poultry or attacking human beings.

Section 30. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction,

shall be liable to the owner of such livestock or poultry, in a civil action for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how much damage was done, and by whose dog or dogs, is known. Upon receipt of such complaint, the agent of the department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damages sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at seven cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 31. (1) Upon receipt by the department of the appraisal report, the commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceedings, to the Commissioner of Finance who shall draw a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The Commonwealth shall succeed to all rights and interests of the owner of livestock or poultry which have been killed

or injured by dogs to the extent of any payment made out of the Livestock Fund.

Section 32. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the Commonwealth for any livestock or poultry killed or injured by a dog, such payment shall not exceed one hundred dollars for each horse or mule; one hundred and twenty-five dollars for each head of registered cattle; one hundred dollars for each head of unregistered cattle; twenty dollars for each head of unregistered cattle; twenty dollars for each head of unregistered swine, sheep, or goats; forty dollars for each head of registered swine, sheep, or goats; three dollars for each full-grown goose; five dollars for each full-grown turkey; and one dollar for each head of other poultry or domesticated hare or rabbit. All appraisals under this Act shall be of the actual value of the livestock, including poultry, killed or injured.

Section 33. Owners of licensed dogs which are killed by any peace officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceeding for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Section 30 and 31 of this Act, except that no claim shall exceed one hundred dollars.

Section 34. (1) Any valid claims, or parts thereof, for loss or damage ot sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of KRS 258.010 to 258.490 and KRS 258.990, and any such claims which may accrue prior to July 1, 1954, shall not abate by reason of the repeal of such sections but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available funds, of the proper counties, and for such purpose the provisions of said sections are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1955, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order of their presentation; provided, however, that no such claims presented after December 31, 1956, shall be so paid.

Section 35. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if written complaint is filed with the commissioner by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the department, the commissioner may notify the owner or keeper of such dog to immediately destroy the same, whereupon it shall be unlawful and a violation of this Act for such owner, or keeper to permit or cause such dog, while alive, to leave or to be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any peace officer, upon notice from the department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog destroyed, to be paid out of the Livestock Fund upon presentation to the department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 36. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 37. (1) When the inhabitants of any city, or county, or any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a

quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the department may, through its authorized agents, have an investigation made of the facts alleged therein, and, if convinced that conditions in such city, county, or such designated area demand such stringent measures, may establish a dog quarantine therein.

(2) When such a quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or handler.

(4) Any peace officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 38. Notwithstanding any of the provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1955, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to or damage of livestock, poultry, or licensed dog must happen or occur after June 30, 1955.

Section 39. Nothing in this Act shall be construed to prohibit or limit the right of any city to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or any health officer relating to mad dogs

or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations, made in accordance with the provisions of any local or state health law.

Section 40. (1) Any person violating or failing or refusing to comply with Sections 12 to 41 of this Act shall, upon conviction, be fined not less than five dollars and not more than one hundred dollars or be imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under subsection (1) of this section shall after costs and commissions have been deducted, be paid to the department to be credited to the Livestock Fund.

Section 41. Sections 258.010 to 258.490 and subsections (1) to (4) of Section 258.990 are hereby repealed.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Wells, Chairman of the Committee on National and Civil Defense, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 273. AN ACT relating to amateur radio operator.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Harris, Chairman of the Committee on Appropriations, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 286. AN ACT relating to the promotion of the Rural Kentucky Medical Scholarship Fund by the State Department of Health and making an appropriation therefor.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Harris, Chairman of the Committee on Appropriations, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 28. AN ACT relating to special circuit judges of the Commonwealth of Kentucky.

With amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 2, line 6, after the word for insert the following words "and who have reached his or her sixtieth birthday".

With an expression that same should pass as amended.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 340. AN ACT relating to powers and duties of boards of park commissioners in second-class cities, and amending Section 97.440 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the second class, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 339. AN ACT relating to police departments in second-class cities taking charge of lost or stolen property coming into the possession of such police departments and providing for the disposition of unclaimed property by police departments in second class cities.

With amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 4, lines 31 and 32 By striking the word "department" on line 31 and all of the words on line 32 and substituting the following words: "police and fireman pension fund of said city"

With an expression that same should pass as amended.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bill of the following title, viz:

Second Committee Substitute for H. B. No. 113. AN ACT relating to exemptions from execution, attachment, garnishment, distress warrant and fee-bill, and amending Sections 427.010, 427.020, 427.030 and 427.040 of the Kentucky Revised Statutes.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bill be read for the second time by title only.

Said motion was agreed to.

Whereupon, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

Mr. Lowman moved that the rules be suspended for the purpose of introducing a guest.

Said motion was agreed to.

Mr. Lambert moved that Elizabeth Ann McFadden be made an honorary page.

Said motion was agreed to.

Mr. Lowman moved that S. B. No. 27 be placed on the Clerk's desk.

Said motion was agreed to.

Said S. B. No. 27 was placed on the Clerk's desk.

Mr. Lowman moved that H. B. No. 186 and H. B. No. 279 retain their places in the Orders of the Day.

Said motion was agreed to.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 268. AN ACT relating to and prohibiting except upon certain conditions, the damming and diverting of water from stretches of navigable streams on which are located dams of fourth-class cities which operate waterworks dependent upon such dams.

Mr. Clay offered the following amendment and moved its adoption.

"A municipality which owns and operates a water works system to furnish its inhabitants with water and which has one or more reservoirs for the storage of water on a natural stream outside the limits of the municipality shall have the right to use the bed of the natural stream for the flow of water from its storage reservoir to its water system intake. No owner of land contiguous to the stream lying between the reservoir and the municipal water system intake or any other person shall have any right to water released from such a reservoir which exceeds the natural flow of the stream at the time of release. It is the intent of this Act that a municipality which stores water for its use in a reservoir upstream from the municipal water system intake shall have the use of water it has stored for its own purposes at the time it deems such use necessary; and, in appropriate cases, the municipality may obtain injunctive relief in the courts for the protection of its right to such use.

Said motion agreed to.

Said amendment adopted.

Mr. Everett moved that H. B. No. 268 be tabled.

Said motion was disagreed to by voice vote.

Mr. Lowman moved that H. B. No. 268 be placed on the Clerk'es desk in order for Amendment No. 1 to be printed.

Said motion was agreed to.

Said bill was placed on the Clerk's desk.

Mr. Lowman moved that H. B. No. 27 be placed on the Clerk's desk.

Said motion was agreed to.

Said bill was placed on the Clerk's desk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 160. AN ACT increasing the allowance for pauper idiots.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 203.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) A person having the care, custody or charge of an idiot may by filing with the Department of Finance a certified copy of the inquest and the order of the court adjudging an idiot to be a pauper, have an allowance to a pauper idiot of not more than two hundred and fifty dollars per annum to be paid as follows:

(a) One-half of the allowance shall be certified by the court holding the inquest to the Department of Finance for payment out of the State Treasury;

(b) One-half of the allowance shall be allowed and certified for payment by the court holding the inquest to the fiscal court of the county in which the inquest is held.

(2) If the idiot dies or ceases to be a pauper, a proportionate part of the allowance from the anniversary date of the allowance to the day of his death or his ceasing to be a pauper, may be paid.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
William C. Mann
William J. Marcum
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn

L. M. Tipton Reed	Eulick Walsh	Mrs. Randolph Wilson
Russell Reynolds	Will Tom Wathen	
Lloyd E. Rogers	W. W. Webster	T. D. Winstead
Joe Rouse	Morris Weintraub	Charles W. Wirsch
LeRoy Saylor	Hicks Wells	Walker H. Wiseman
W. R. Smith	William B. Wells	Dr. Clyde D. Wooton
E. H. Stumbo	Warren D. Williams	Paul E. Young
James Treadway		—80

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of having Committee Reports.

Said motion was agreed to.

Mr. Billington, Chairman of the Committee on Insurance to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 387. AN ACT to permit County Hospitals to provide Liability and Indemnity Insurance for the protection of their patients against the negligence of their employes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Billington, Chairman of the Committee on Insurance, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 208. AN ACT relating to the Financial Responsibility Law.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. L. M. Tipton Reed, Chairman of the Committee on

Education, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 319. Teacher's Retirement Act.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. L. M. Tipton Reed, Chairman of the Committee on Education, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 322. TEACHER'S RETIREMENT ACT.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Kearby, Chairman of the Committee on Claims, to which the same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 26. A JOINT RESOLUTION authorizing payment of a claim by Corbitt Hurt against the Department of Highways and the Commonwealth of Kentucky.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Barnum, Chairman of the Committee on Cities of the First Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 347. AN ACT relating to employes of city-county boards of health of cities of the first class and counties containing such cities.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Barnum, Chairman of the Committee on Cities of the First Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 350. AN ACT relating to the establishment of public pounds for animals in counties containing a city of the first class.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Breathitt, Chairman of the Committee on Judiciary and Judicial Council, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 345. AN ACT relating to terms of Court in the 38th Judicial District.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Breathitt, Chairman of the Committee on Judiciary and Judicial Council, to which the same had been previously referred, reported favorably a resolution of the following title, viz:

H. Res. No. 41. A RESOLUTION directing the Judicial Council to conduct a study of the divorce laws of this state, and other matters, and submit a report and proposed legislation to the 1956 General Assembly.

Whereupon said resolution was read at length for the first time and

Ordered placed in the Calendar.

Mr. Breathitt, Chairman of the Committee on Judiciary and Judicial Council, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 371. AN ACT relating to actions for settlement of estates, parties to such actions and amending Section 395.510 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Breathitt, Chairman of the Committee on Judiciary and Judicial Council, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 394. AN ACT relating to the terms of court in the Marshall County Circuit Court.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 169. AN ACT relating to the appointment and compensation of police court clerks in cities of the second class, and amending Section 26.570 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Fitzpatrick, Chairman of the Committee on Cities of the Second Class, to which the same had been previously referred, reported favorably a bill of the following title, viz:

H. B. No. 218. AN ACT relating to pension fund sources for policemen's and firemen's pension fund in cities of the second and third population classes and amending Section 95.580 of the Kentucky Revised Statutes.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Barnum, Chairman of the Committee on Cities of the First Class, to which the same had been previously referred, reported a bill of the following title, viz:

H. B. No. 321. AN ACT relating to airport boards and city-county air boards in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any airport board and the joint city-county air board of a city of the first class and the county containing such city may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, add to and im-

prove airports and airport facilities and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term "Governmental agency" means the board and the term "public project" means airports and airport facilities.

With Committee Amendment thereto by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any airport board or any joint city-county air board of a city of the first class and of the county containing such city may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, add to and improve airports and airport facilities and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term "Governmental agency" means the board and the term "public project" means airports and airport facilities; provided, however, that no such bonds shall be issued by any joint city-county air board of a city of the first class and the county containing such city without prior written approval of the mayor of such city and the county judge of such county.

With an expression that same should pass by way of Committee Substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 254. AN ACT relating to the organization and government of cities of the first class.

H. B. No. 255. AN ACT relating to the regulation of buildings, dwellings and structures by cities of the first class.

H. B. No. 256. AN ACT concerning the finance and revenue of cities of the first class and agencies thereof.

H. B. No. 257. AN ACT relating to the finance and revenue of boards of registration commissioners of cities of the first class.

H. B. No. 258. AN ACT relating to the finance and revenue of municipal universities in cities of the first class.

H. B. No. 259. AN ACT relating to tax levies and appropriations by cities for the maintenance, operation and improvement of park and recreational areas acquired under Section 97.060 of the Kentucky Revised Statutes.

H. B. No. 261. AN ACT relating to the finance and revenue of joint city-county children's homes in counties containing a city of the first class.

H. B. No. 262. AN ACT relating to the finance and revenue of joint city-county air boards in counties of the first class.

H. B. No. 263. AN ACT relating to the giving of notice to cities of claims for injuries growing out of defects in public ways.

H. B. No. 264. AN ACT relating to advertisement for bids for repairs to school buildings and for purchase of supplies and equipment for schools.

Ordered that said bills be delivered to the enrolling clerk.

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 260. AN ACT relating to the finance and revenue of joint city-county boards of health of cities of the first class and counties containing such cities.

With Senate Amendment attached thereto.

Said bill was ordered delivered to the Clerk's desk.

H. B. No. 265. AN ACT relating to the control of Air Pollution.

With Senate Amendment attached thereto.

Said bill was ordered delivered to the Clerk's desk.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been previously referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 165. AN ACT relating to dairying and creating a dairy commission.

H. B. No. 287. AN ACT relating to banks and banking and amending KRS 287.180 and 287.070.

H. B. No. 88. AN ACT relating to the organization and powers of water districts, and declaring an emergency.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enroling clerk of the House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Clerk's desk a bill of the following title, viz:

H. B. No. 195. AN ACT relating to educational benefits for the children of certain deceased veterans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person whose father or mother was killed while serving in the armed forces of the United States during wars declared by Congress or actions of the United Nations or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon his admission to any state higher educational institution. One of the parents must have been born in Kentucky or have been a resident of Kentucky prior to such service. The child must have resided in Kentucky for five years next preceding his application for admission. The parent-child relationship must be shown by birth certificate, adoption papers or other documentary evidence. Service and the cause of death of the parent must be evidenced by certification of the Veterans Administration, its successor, or the Department of Defense of the United States. In the event one so admitted shall have obtained a cash scholarship paid or payable to such institution, from whatever source, the amount of such scholarship shall be applied to the credit of such applicant in the payment of incidental expenses of his attendance at such institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

Mr. McClanahan offered the following amendment and moved its adoption.

Amendment No. 3—On page 1, by deleting the words "or mother".

Said motion was agreed to.

Said amendment adopted.

Mr. McClanahan offered the following amendment and moved its adoption.

Amendment No. 4—On page 1, line 2. In line 2 delete "wars declared by Congress" and substitute "World War II".

Said motion was agreed to.

Said amendment adopted.

Mr. McClanahan offered the following amendment and moved it adoption.

Amendment No. 5—On page 1, lines 6, 7 and 8. Delete sen-

tence beginning in line 6 with word "One" and ending in line 8 with word "service", and substituting therefor the following:

"The father must have been a resident of Kentucky for five consecutive years immediately prior to his entry into such service."

Said motion was agreed to.

Said amendment adopted.

Mr. McClanahan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	John L. Day
Walter J. Bailey	Charles W. Buchanan	C. E. Dowell
John Rhea Banton	Harry M. Caudill	James A. Dressman, Jr.
Clarence J. Barnum	Cassius M. Clay	O. O. Duncan
Charles E. Baumgardner, Sr.	Paul Cobb	Harold Edmonds
Owen Billington	William J. Conley	Addison L. Everett
Leo A. Bleemel	Vernor O. Cottengim	Herbert Fern
J. Murray Blue	Charles W. Craig	Thomas P. Fitzpatrick
	W. Marvin Davis	

Cabell D. Francis	William C. Mann	Robert Reid
W. L. Hadden	William J. Marcum	Russell Reynolds
C. Ruby Harralson	George R. Martin	Lloyd E. Rogers
George F. Harris	Carl D. Melton	LeRoy Saylor
Harold G. Helm	Alton B. Mitchell	W. R. Smith
David Heskamp	Tom Mobley	Mrs. Thelma L. Stovall
Henry R. Heyburn	Robert K. Montgomery	E. H. Stumbo
Lon C. Hill	Walter R. Moorman	C. Waitman Taylor
Estill R. Hilton	Fred Morgan	James Treadway
Chester J. Holsclaw	Eddie J. Morris	Eulick Walsh
Varna Holt	Thomas J. Murphy	Will Tom Wathen
William M. Horn	Goebel W. Newsom, Jr.	W. W. Webster
Jennings H. Kearby	Louis T. Peniston	Hicks Wells
Talmage Lacy	Roger E. Qualls	William B. Wells
James W. Lambert	Paul T. Ratcliffe	Warren D. Williams
George H. Lovelace	Jack Raybourne, Jr.	Charles W. Wirsch
Shelby McCallum	Hobart Rayburn	Walker H. Wiseman
Ralph E. McClanahan	L. M. Tipton Reed	Dr. Clyde D. Wooton
Caleb McFadden		Paul E. Young
William E. Maglinger		

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Those who voted in the negative were—

R. Josh Cosby	Edward D. Pollitte	Cecil C. Sanders
Foster Ockerman	Joe Rouse	

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Resolved that the title thereof be as aforesaid.

Mr. McClanahan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Wathen moved that the following bill be taken from the Orders of the Day, read for the third time by its title only, and placed on passage, viz:

H. B. No. 226. AN ACT relating to qualifications of insurance solicitors.

Said motion was agreed to.

Mr. Smith moved that H. B. No. 226 be tabled.

Said motion was agreed to by voice vote.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 41. AN ACT relating to holidays.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Armistice Day), the 25th day of December (Christmas Day) of each year, the day of every regular primary election held under Chapter KRS 119 and the day of every regular election held under Chapter KRS 118, and all days appointed by the President of the United States or by the Governor as days of Thanksgiving, are holidays, on which all the public offices of this Commonwealth may be closed; and shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notices of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

Mrs. Stovall offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, sub-section 1, lines 12, 13 and 14. Following the words "Of each year" delete the following:

"The day of every regular primary election held under Chapter KRS 119".

Said motion was agreed to.

Said amendment adopted.

Mrs. Stovall moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Wathen moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	Harold Edmonds
Walter J. Bailey	John Young Brown	Herbert Fern
John Rhea Banton	Charles W. Buchanan	Thomas P. Fitzpatrick
Clarence J. Barnum	William J. Conley	Cabell D. Francis
Charles E. Baumgardner, Sr.	R. Josh Cosby	C. Ruby Harralson
Edward T. Breathitt, Jr.	Vernor O. Cottengim	Lon C. Hill
	Charles W. Craig	Estill R. Hilton
	W. Marvin Davis	Chester J. Holsclaw

William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
George R. Martin
Carl D. Melton
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Roger E. Qualls
L. M. Tipton Reed
Russell Reynolds
Mrs. Thelma L. Stovall
Eulick Walsh
Morris Weintraub
Warren D. Williams
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker
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Those who voted in the negative were—

Wallace Bartley
Owen Billington
J. Murray Blue
J. C. Bradley
Cassius M. Clay
Paul Cobb
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold G. Helm
David Heskamp
Henry R. Heyburn
Varna Holt
William M. Horn
Jennings H. Kearby
James W. Lambert
William J. Marcum
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
Joe Rouse
Cecil C. Sanders
LeRoy Saylor
E. H. Stumbo
James Treadway
Hicks Wells
William B. Wells
Walker H. Wiseman
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Resolved that the title thereof be as aforesaid.

Mrs. Stovall moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Weintraub moved that 200 extra copies of H. B. No. 140 be printed.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in the House as follows, viz:

H. B. No. 130. AN ACT relating to judicial districts, etc.

With Senate Amendment attached thereto.

The House took up for consideration Senate Amendment to H. B. No. 130, which amendment is as follows, viz:

Amendment No. 1—On page 2 of the printed bill, line 8, paragraph 7, by striking out the word "Laurel" and substituting the word "Whitley".

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 130.

Said motion was agreed to.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	J. C. Bradley	James A. Dressman, Jr.
Walter J. Bailey	Edward T. Breathitt, Jr.	Harold Edmonds
John Rhea Banton	Edward O. Bridgers	Addison L. Everett
Clarence J. Barnum	Harry M. Caudill	Herbert Fern
Charles E. Baumgardner, Sr.	Paul Cobb	Cabell D. Francis
Owen Billington	William J. Conley	W. L. Hadden
Leo A. Bleemel	R. Josh Cosby	Lon C. Hill
J. Murray Blue	Vernor O. Cottengim	Estill R. Hilton
	John L. Day	William M. Horn

William L. Jones	Eddie J. Morris	James Treadway
Talmage Lacy	Thomas J. Murphy	Eulick Walsh
George H. Lovelace	Goebel W. Newsom, Jr.	Will Tom Wathen
Harry King Lowman	Foster Ockerman	W. W. Webster
Shelby McCallum	Louis T. Peniston	Morris Weintraub
Ralph E. McClanahan	Paul T. Ratcliffe	Hicks Wells
William E. Maglinger	Hobart Rayburn	Warren D. Williams
Damon Majors	L. M. Tipton Reed	Mrs. Randolph Wilson
William C. Mann	Robert Reid	T. D. Winstead
George R. Martin	Russell Reynolds	Charles W. Wirsch
Carl D. Melton	Lloyd E. Rogers	Walker H. Wiseman
Tom Mobley	Joe Rouse	Dr. Clyde D. Wooton
Robert K. Montgomery	William A. Routh	Paul E. Young
Walter R. Moorman	Cecil C. Sanders	
Fred Morgan	Mrs. Thelma L. Stovall	
	E. H. Stumbo	—70

Those who voted in the negative were—

Charles W. Buchanan	Charles W. Craig	Caleb McFadden
	Varna Holt	Alton B. Mitchell

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

A message was received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 78. AN ACT relating to contracts and separate estate of married women.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 404.010, Kentucky Revised Statutes is

hereby repealed, amended and reenacted so that as amended and reenacted it shall read as follows:

"(1) Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband.

"(2) After the effective date of this Act a married woman may make a contract to answer for the debt, default or misdoing of another, including her husband (except that a married woman may not become surety for any person in any criminal proceeding), and her estate shall be subjected to the payment or satisfaction of such liability so contracted for, provided, no part of a married woman's estate shall be subjected to the payment or satisfaction of any liability upon such a contract made after marriage and before the effective date of this Act unless the estate has been set apart for that purpose by mortgage or other conveyance. But a married woman's estate shall be liable for her debts and responsibilities contracted before marriage, and for such contracted after marriage, except as provided in this chapter and in Chapter 392."

S. B. No. 85. AN ACT relating to pay of election officers, and amending Section 116.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.140 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) In counties containing a city of the second class, the judge and sheriff of election may receive not more than eight dollars per day, and the clerk of election not more than ten dollars per day, for each election in which they serve, including elections to fill vacancies, to be paid by the county. The exact amount of said compensation shall be fixed by the fiscal court.

(2) In all other counties, the judges, clerk and sheriff of election shall receive five dollars each for each election in which they serve, including elections to fill vacancies, to be paid by the county. For delivering election returns the sheriff and the judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

Ordered printed and referred.

Mr. Lowman moved that H. B. No. 15 be taken from the Clerk's desk for consideration by the House.

Said motion was agreed to.

Said bill is as follows, viz:

Whereas, the population of the Seventeenth Circuit Court District now exceeds seventy-five thousand inhabitants, and it is impossible for one judge to dispose of the business of said court with reasonable dispatch, and the number of cases upon the docket of said court is increasing, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. One additional judge of the circuit court for the Seventeenth Circuit Court District is hereby authorized and added to said court. Such additional judge shall preside over the Common Law and Equity Division of said court.

Section 2. Immediately upon the effective date of this Act, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the Common Law and Equity Division of the Seventeenth Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is elected and shall have qualified.